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California Political Review

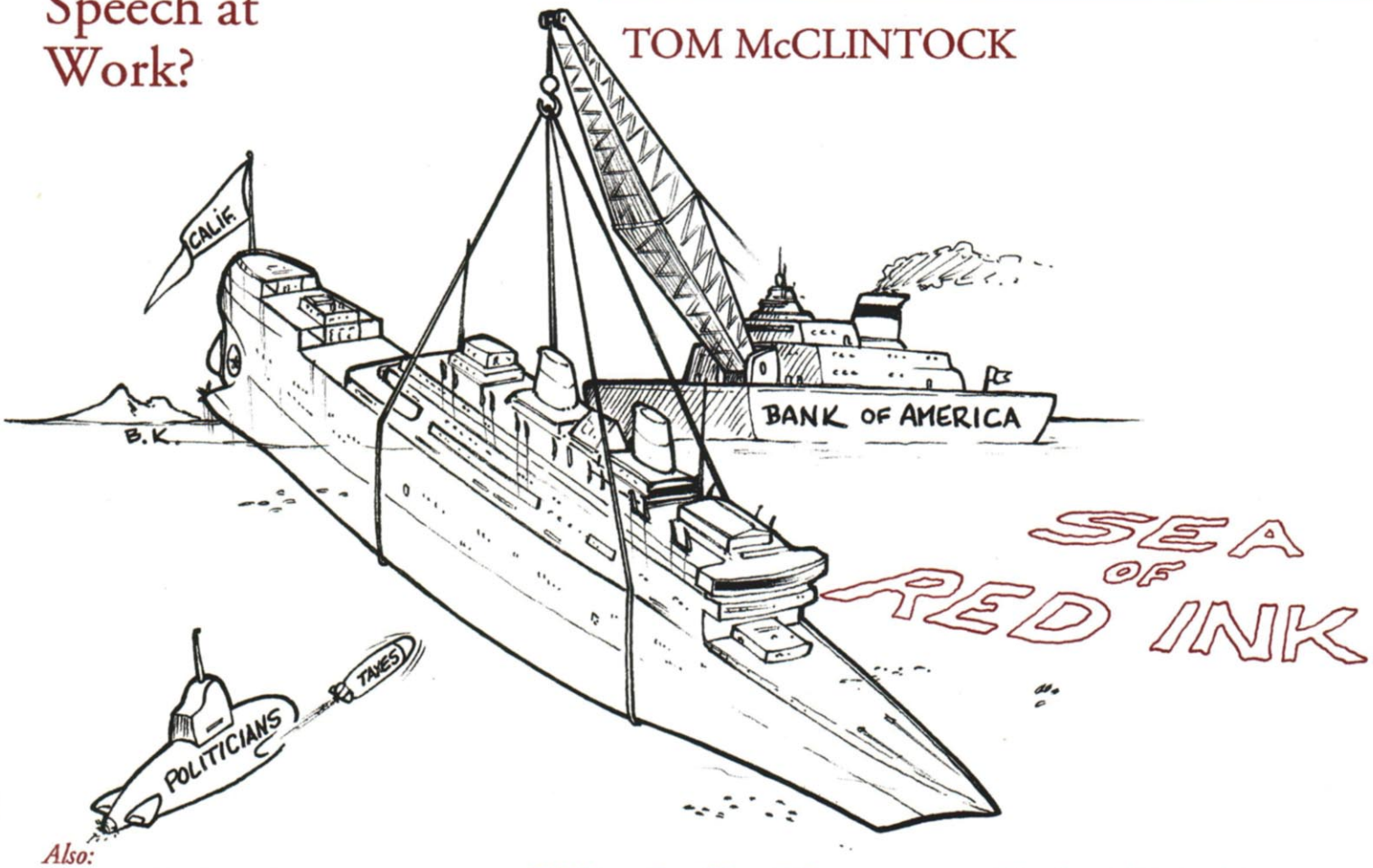
Desperate Salvage Effort Underway

THE WRECK OF THE CALIFORNIA

TOM McCLINTOCK

Mark Pulliam &
John Howard Square Off:

Should Judges Enforce Free Speech at Work?



Also:

Barbara Lydick Reviews
Who Stole Feminism?

William R. Allen: Life
Among the Studentoids

Teachers (Union) Pets
Jim Christie

Vol. 5, No. 3 *A Publication of the California Public Policy Foundation* Summer 1994

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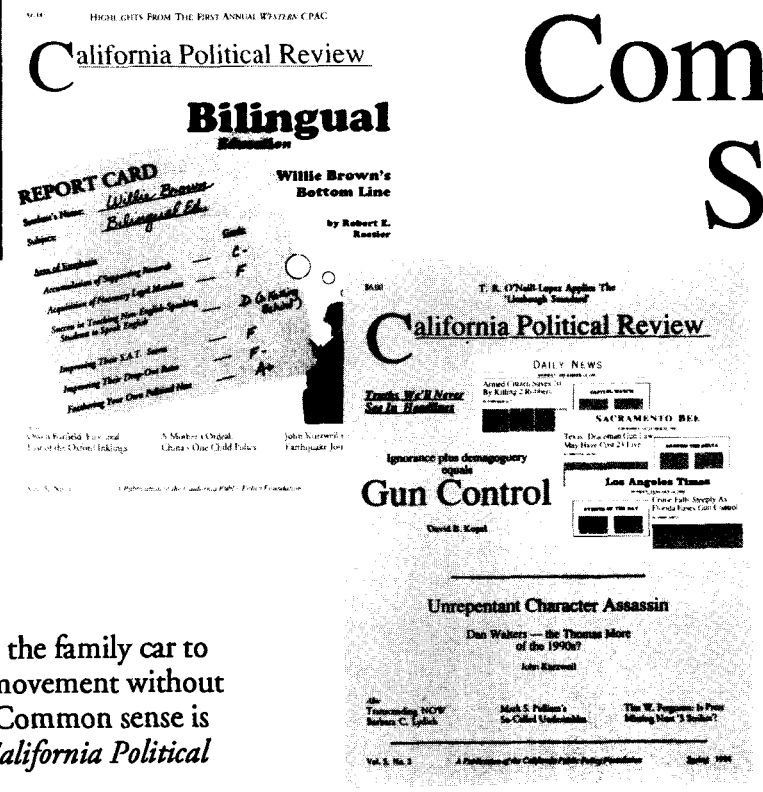
An Opening for Common Sense



"The beginning of political wisdom is the recognition that liberalism is at the end of its intellectual tether."
— Irving Kristol

What used to be called "liberalism" has degenerated into reflexive attacks on everything from the family car to free speech to the Boy Scouts — a movement without a mind and with nowhere to lead. Common sense is the cure — find it in the pages of *California Political Review*. Subscribe today!

I can't tell you how impressed I am with California Political Review. — William A. Rusher

California Political Review's pages reflect the common sense conservative principles that guided the administrations of Ronald Reagan in which I was privileged to serve — a refreshing voice on California's political scene. — Hon. Edwin Meese III

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California Political Review

Summer 1994

Articles

The Wreck of the California 14

An international syndicate of bankers met with legislative leaders to dictate the general parameters of the state's new budget while the people's elected representatives obsequiously scrambled to comply. As the once-Golden State teeters on the brink of bankruptcy, Tom McClintock once more points the way back to fiscal sanity.

by Tom McClintock

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Should Judges Enforce Freedom of Speech at Work? 20

As "political correctness" spreads its tentacles across society, how should conservatives fight it? Two conservatives square off over strategy in the battle against 'P.C.' — the opportunities and pitfalls of applying the "Leonard Law" beyond the campus.

John Howard, President
Individual Rights Foundation

Mark S. Pulliam, Legal Issues Correspondent
California Political Review

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A publication of the California Public Policy Foundation

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Correspondence

180's Deplorable Stinginess

Got a big kick out of the article concerning BG II ("Proposition 180: Big Green II," *CPR Update,* Spring 1994). Loved the remark about prostate trouble. The reason I did not vote for it was that it didn't offer to fix my back yard, which is in a helluva shape. If they were going to refurbish everything else in the Golden State they could have done my yard too!

I was, however, distressed that the issue arrived four days after the election. Also, the article on socialism/forest protection ("By Any Other Name," *CPR Update,* Spring 1994) should have noted that spotted owls, those ubiquitous creatures found from mid-British Columbia to southern Sonora, like to live, like almost all other animals, outside the ancient forests supposedly being protected for their benefit.

One more point: how could Socialists/tax fans like Schrag Jacobs fail to love Wilson ("The Candidates Debate," *CPR Update,* Spring 1994)? He's Nixon reincarnated! Remember that Dick gave us a monster boost in Great Society spending, wage-price controls to "control" inflation of 3.4 percent, Affirmative Action, Blackmun, the EPA, CETA, OSHA, and the Consumer Products Safety Commission, as well as "detente" which in its way cemented the idea that the Soviets and we were morally equivalent. Some Republican!

Miles Rader
Grass Valley

Kopel's Gun Control Cogency

Congratulations on the Spring *CPR,* particularly David Kopel's article ("Ignorance Plus Demagoguery Equals Gun Control") which stands out as one of the most cogent summaries I have ever read on the truths and fallacies of gun control. Mr. Kopel's thoughtful analysis and respect for truth have become a *California Political Review* trademark, and I want to thank you personally as well as on behalf of the many Young Republican Federation members who have become loyal *CPR* readers.

Max Rayner, chairman
Young Republican Federation of California
Los Angeles

Having read Mr. Kopel's article, I propose we establish the second day of each month as Second Amendment Day, when all law-abiding adults will be encouraged to bear arms. People who might not otherwise consider carrying self-defense weapons may be prompted to do so. This celebration of constitutional rights could also be an effective attack on crime.

Charles Hamilton
Sylmar

Leonard in Virginia?

Commendations on an outstanding Spring *CPR.* All the articles deserve a note of praise, but I wish to throw in a particularly strong note of applause for your regular columnists William R. Allen and G.B. Tennyson. In addition, Maura Whalen's article ("Firing on Goliath") on the "Leonard Law" and IRF's fine work leads me to the conclusion that I must contact my new legislators upon my arrival in Virginia and see whether or not any similar statutes exist there. With the election of Governor Allen, it would likely be an opportunity to seize. My four years at Stanford have taught me much about the coercive principles of political correctness and its suppression of speech and dissent of opinion.

Barry H. Hellman, Jr., M.D.
Virginia Beach, VA

Right on the Undesirables

I just finished reading Mark S. Pulliam's "So-Called Undesirables" (*CPR,* Spring 1994). Bravo! You are right on the money. With Mr. Pulliam as *CPR's* Legal Issues Correspondent, I look forward to seeing more coverage of the courts from his thoughtful, incisive point of view. Many interesting stories relating to our courts go largely unreported. For example: attempts by Speaker Willie Brown to revamp the Commission on Judicial Performance and his possible motives, Voting Rights Act challenges to countywide judicial elections, and coming attempts to force our judges to tow a political line through forced "sensitivity training." An example of such measures was the recent attempt to bar California judges from affiliation with the Boy Scouts through a proposed amendment to the Code of Judicial Conduct.

Name Withheld By Request
Judge of the Superior Court

Wither the Spirit of Freedom?

I want to congratulate you on "Enduring Legacy" ("Commentary," *CPR Update,* Winter 1994). Your comment about "the withering of the spirit of freedom and self-reliance" is right on the mark: it may al-

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California Political Review

A publication of the California Public Policy Foundation

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California Political Review is published quarterly by the California Public Policy Foundation. Send address changes, manuscripts, and Correspondence to: Editor, *California Political Review,* Post Office Box 56671, Sherman Oaks, CA 91413-1671. Unsolicited manuscripts should be accompanied by a stamped, self-addressed envelope. Signed articles express their authors' opinions and do not necessarily reflect the views of the California Public Policy Foundation which does not endorse or oppose candidates or intervene in any candidate election campaign. Unsigned editorials express the editors' opinions and not necessarily the views of the California Public Policy Foundation. Rates: $30 yearly (four issues of *California Political Review* plus four issues of *CPR Update*); students: $15 yearly. Outside U.S. add $4/year surface, $20/year airmail. *California Political Review* is copyrighted by the California Public Policy Foundation.

California Political Review is published quarterly for $30 per year by the California Public Policy Foundation, 15456 Ventura Blvd., Ste. 300, Sherman Oaks, CA 91403. Application to mail at second-class postage rates is pending at Van Nuys, California. POSTMASTER: Send address changes to *CALIFORNIA POLITICAL REVIEW,* P.O. Box 56671, Sherman Oaks, CA 91413-1671.

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California Chronicles

Anne McFadden

California Chronicles welcomes information about conservative groups, publications, and activities — also news of liberal fraud, fatuousness, and foibles (especially appreciated). Contact: Anne McFadden, P.O. Box 783, Santa Monica, CA 90406-0783.

National Review Institute

Conservative Confab

National Review Institute's second annual west coast Conservative Summit — "The Dream Factory *vs.* the American Dream? Hollywood and American Culture" — will be held in Los Angeles October 8 and 9. Hollywood's effect on American culture will be explored by several prominent speakers who will discuss, for example: "Censorship and the First Amendment," "Hollywood Politics: the Revenge of the Pink Panther," "NEA and the Politicization of Art," and "The Politics of Television." A debate will also be held on the question "Can an Artist be a Conservative?" Invited speakers include William Bennett, Charlton Heston, David Horowitz, Lionel Chetwynd, Dennis Praeger, Richard Dreyfus, Michael Medved, Jack Valenti, Tom Selleck, and Rob Long. Location: Century Plaza Hotel, 2025 Avenue of the Stars, Los Angeles, CA 90067, 310/277-2000. Contact: National Review Institute, Attn: Kelly Luce Forsberg, 36 West 44th Street, New York, NY 10036, 212/679-7330, FAX 212/213-9369.

Young Republicans

Annual Convention

Young Republican Federation of California's new conservative leadership is revitalizing and expanding this bedrock GOP volunteer organization for Republicans aged 18-40. YRFC's recently concluded annual convention featured a well-attended and highly successful school for both new and veteran campaign staffers gearing up for this November's elections. Republican candidates from around the state attended. Guest of Honor (and GOP nominee for state controller) Tom McClintock saluted YRFC's effectiveness in winning elections and integrity in upholding solid conservative principles. Contact: Young Republican Federation of California, P.O. Box 3006, Manhattan Beach, CA 90266, 800/944-9732.

Western Journalism Center

Investigative Reports

CPR Editorial Board member and *Inside California* Editor Joseph Farah is heading the Sacramento-based Western Journalism Center. WJC is now accepting applications for grants to fund investigative reporting projects on topics of national significance. Applicants should send no more than two typewritten pages briefly outlining their project idea, specifying the grant amount they are requesting, and indicating the applicant's journalistic credentials and credits. WJC is also taking applications for a "very limited" number of reporting and editing internships which include a modest stipend and an opportunity to work in a professional media environment for periods up to 12 weeks in length. Contact: Joseph Farah, Executive Director, Western Journalism Center, P.O. Box 2450, Fair Oaks, CA 95628, 916/967-8300.

Pacific Research Institute

Third World Medicine for California

PRI has released a comprehensive briefing paper on a recently-qualified (for November) ballot initiative, the "California Health Security Act." A Clinton-style, "single payer" (*i.e.*, taxpayer) socialized medicine plan, this proposition (not yet assigned a ballot number) could give Californians a taste of government monopoly health care ahead of the rest of the nation. Like the Clinton plan, this initiative supposedly comes with no tax increase, relying instead on price controls and rationing to hold down costs while providing massive bene-

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fits to every resident, legal or illegal, in the state.

The brief, written by PRI President Sally Pipes and Public Policy Fellow Michael Lynch, carefully analyzes the "Act"'s major provisions. Among other things, the initiative would turn private hospitals into government facilities, require "penalties" for "digressing" from state-mandated billing "orthodoxies," and create a new state agency to oversee it all: the Office of State Health Commissioner. Any resemblance between this initiative, its authors assure us, and the medical portions of Rumania's Five-Year Plan, 1950-'59, are purely coincidental. Contact: Pacific Research Institute for Public Policy, Attn: Sheri Annis, 755 Sansome Street, Suite 450, San Francisco, CA 94111, 415/989-0833 or 800/276-7600.

The Independent Institute

Pearls Before Swine

The Oakland-based Independent Institute, a non-partisan, free-market-oriented think tank (not to be confused with the Colorado-based Independ*ence* Institute), recently published in the *Washington Post* an Open Letter to President Clinton signed by 570 economists from around the country, including Milton Friedman and Thomas Corcherding, urging the president to re-consider the wisdom of saddling America with socialized medicine.

Also, a recent Institute publication, "Rationing Health Care: The New Threat of Price Controls" by Simon Rottenberg and David J. Theroux, explains how soaring health care costs result in part from already-existing government interference in the health market. The authors argue that increased government involvement would further exacerbate, rather than alleviate, these existing problems, in addition to insinuating government's leaden hand into personal health care decisions. Contact: Independent Institute, 134 98th Ave, Oakland, CA 94603, 510/632-1366.

Pass It On!

Riverside Samizdat

Feisty, one-time liberal Karen Renfro edits and publishes a two-page free distribution conservative newsletter on Riverside city politics which increases its circulation by urging readers to "Make Ten Copies and *Pass It On!*" Renfro specializes in antagonizing local politicos by detailing extravagance in Riverside's city budget. For instance, *Pass It On!* recently compared spending in Santa Ana, Anaheim, and Riverside (all chartered cities with roughly comparable populations and council-manager forms of government) revealing the following embarrassing (for Riverside) differences: Mayor's Annual Salary — Santa Ana: $2,500, Anaheim: $8,400, Riverside: **$43,200**; Mayor's Annual Expenses — Santa Ana: $600 (with receipts), Anaheim: $5,262 (with receipts), Riverside: **$16,500 (mayor maintains a non-itemized expense account)**; Council Member's Annual Salary — Santa Ana: $1,500, Anaheim: $8,400, Riverside: **$12,000.** No wonder Riverside Mayor Ronald O. Loveridge reportedly tried last January to prohibit citizens from distributing literature in council chambers. He later denied ever having heard of the idea. Twelve-issue annual subscriptions to *Pass It On!* can be obtained by sending twenty 29¢ stamps (to cover postage) to: Karen Renfro, editor and publisher, *Pass It On!*, P.O. Box 20616, Riverside, CA 92516-0616.

In Brief

The Center for Education Reform offers its *School Reform Handbook*, a how-to guide for reformers covering all matters from coalition building to working the press. Contact: Jeanne Allen, president, Center for Education Reform, 1001 Connecticut Avenue, N.W., Ste. 920, Washington, D.C. 20036 .... Alan W. Bock, columnist for the *Orange County Register*, and David Nolan, founder of the Libertarian Party, are co-hosting an hour-long weekly radio program called *The Fourth American Revolution* at 9 PM, Tuesdays, on Los Angeles radio station KIEV, 870 AM. CPR

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Commentary

Hooray for the Fiscal Conservatives

JULY 15: Standard & Poor's California bond rating dropped to the next-to-final wrung, going from A+ to A. New York's other rating services, Moody's and Fitch, similarly downgraded our state. Four years ago, before Pete Wilson was elected on a platform of fiscal conservatism, the Golden State's rating was AAA. Where would we be had we elected a liberal?

Where Were *We?*

FOLLOWING THE recent suicide of Shannon Wilsey, a 23-year-old "sex video superstar" known as Savannah, Shannon's father, Mike, found among her things a letter she had written to him but had never mailed. As he paraphrased it in the *Los Angeles Times,* the letter read: "Where was I when she was dating [rock singer] Gregg Allman when he was 25 years older than she was? Where was I when she was on heroin? Where was I when she started doing porno movies?" He would have been there, he answered in the *Times,* but said Shannon never asked him to be. Mike Wilsey blames the porn "industry" for destroying his daughter, as though it had arisen like some Creature in a Fright Night movie, unexpected and inexplicable, from an unseen swamp to snatch her into its jaws.

A pattern is discernable here. Stories about such tragedies as Shannon's, like those about fatherless boys wandering into the drugs and violence world of the gangs, are always strangely silent about the little matter known as the Sexual Revolution. In other, less grisly contexts, the 1960's Sexual Revolution is happily, even proudly portrayed as something of a modern Renaissance, an escape from narrow-minded superstitions and holier-than-thou moralisms, an end to the purile naivete and hypocrisy of "Ozzie and Harriet." But not when the fates of people like Shannon Wilsey come to light; at such times, it's as though no one ever heard of Do Your Own Thing.

THE TRUTH is, the 1960s were not about liberation, but about selfishness, decadence, and self-delusion. Their bitter fruit grows all around us, but nowhere more pathetically than in the cowardly refusal of the caretakers of our threadbare culture to admit, even now, that their Revolution was and is a destructive, tragic mistake.

A "Rush Room" for Pete?

LEFT-WING columnist Alexander Cockburn thinks he has discovered Rush Limbaugh's weakness: "Limbaugh is open to challenge precisely because he's such a

Correspondence

(Continued from page 2)

ready be too late to turn the country around. Western Europe may be our future – stagnation in a bureaucratic maze. I believe two trends offer our best hope:

1. Liberating technology
2. Religious revival.

If I read Irving Kristol ("Commentary," *CPR Update,* Fall 1993) right, he would share that opinion.

Julio Bontempi
North Hollywood

Glad to Have Missed Bilingual Ed

I really appreciated reading "Bilingual Education" (*CPR,* Winter 1994). It validated the conclusions I have drawn through personal experience as an older student (naturalized citizen) who's glad to have gone to elementary school in the '50s (no bilingual education). Our family learned English through immersion and graduated with degrees from B.A.s to Ph.D.s and from R.N.s to M.D.s.

Soon I will finish my course work and take comprehensive examination for my Master's Degree in Education. Preparing for it has been rather brutal. If I do not agree with NABE, Dr. Krashen, and others, I do not pass. Out of 22 Fellows in our program, others feel as I do — but ultimately we have to get past the gatekeepers if we want to receive our degrees and be employed.

You might be aware of a new approach (maybe it isn't new): Some are suing to discredit the studies which show bilingual education failing. Now we are taught that minorities are different. Chinese and others have a high success rate because they are *immigrant* minorities, whereas Hispanics are *castle-like* minorities who have been so wronged (by imperialist Americans) they are unable to succeed — and maybe (and I mean maybe) over time they will finally succeed — as long as we continue bilingual education.

Many (it could be most) bilingual teachers, I have found, have no academic training for teaching Spanish. They teach it only because it is their native language.

(Please turn to page 36)

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faker where it truly counts, not in his facts but in whom he claims to speak for. He says he's the champion of the ordinary Joe, which is nonsense. He speaks for the elites, which is why the Republican high brass love him so." Mr. Cockburn's general daffiness comes across in his apparent belief that "Rush Rooms" exist in such places as Governor Wilson's office. But don't dismiss him too quickly. Cockburn *has* hit something — not Limbaugh's weakness but, rather, his strength. Putting it the other way, Cockburn has his finger on what so terrifies the left about Limbaugh: that he tells the truth about people like David Roberti and Willie Brown, showing them up for what they are, ordinary Joe's implacable enemies.

July 4th Melancholia

TWO DAYS before this year's July 4th celebrations (during which, by decree of Those Put in Authority Over Us, we were forbidden to light so much as a single

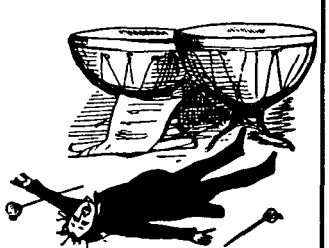
Notebook

NEA Circles the Wagons

NATIONAL EDUCATION ASSOCIATION'S 132nd annual convention, early July in New Orleans, came off stridently defensive, with votes to boycott Florida orange juice (for advertising on the **Rush Limbaugh** show) and *Forbes* magazine (where an NEA critique appeared describing the union as the National Extortion Association). Delegates also reiterated opposition to standardized testing (the results might be used to grade teachers) and to private, for-profit schools. Long-term plans for NEA merger with **Albert Shanker**-headed American Federation of Teachers were put on hold for another year. Shanker supports academic achievement and testing to measure it .... Turning the tables on Democrats who support "motor-voter" legislation, GOP state Senator **Rob Hurtt** has proposed allowing the military to vote by FAX, according to a report in the conservative newsletter *The Right Mind*.

HOWARD JARVIS Taxpayers Foundation reports that California state and local governments have been both collecting and spending more taxpayer dollars — adjusted for inflation — since 1987 than they were before Proposition 13 passed during the tax revolt of 1978. While *per capita* property tax collections still remain well below pre-13 levels, these savings have been more than offset by a steep rise in other taxes, fees, and miscellaneous charges imposed by state and local governments. By 1990, real *per capita* general revenues for California state and local governments exceeded the levels that triggered the '78 revolt by 6 percent. General expenditures exceeded it by 35 percent .... California's Supreme Court, in *People v. Davis* (1994), has ruled that, in cases other than abortion, a lethal assault against an unborn fetus can be prosecuted as murder, even if the child is not yet "viable." The state's high court rejected the argument that *Roe v. Wade* disallows protection of human life before viability .... A Governor **Pete Wilson** Office of Planning and Research study, relying on figures from the Congressional Budget Office and the Office of Management and Budget, predicts that President **Bill Clinton's** plan requiring employers to pay for workers' health insurance will cost 476,000 to 650,000 California jobs in 1999. Such losses would exceed the total of all California jobs lost from defense cuts .... California's Department of Education sends a form home with school children called the "Home Language Survey." "The California Education Code," it reads, "requires schools to determine the language(s) spoken at home by each student. This information is essential in order for schools to provide meaningful instruction for all students." The form asks parents to answer the following four questions: "1. Which language did your son or daughter learn when he or she first began to talk? 2. What language does your son or daughter most frequently use at home? 3. What language do you use most frequently to speak to your son or daughter? 4. Name the language most often spoken *by the adults* at home." (emphasis in original) Parents are advised to answer carefully. What they say can — and probably will — be used against the educational opportunities offered their children.

ASSEMBLYMAN JAMES E. ROGAN (R-Glendale), in announcing his vote against the 1994-95 budget bill, explained that it "includes a $1 billion deficit roll-over, $7 billion in additional borrowing, and the hopeful expectation of receiving federal reimbursements we all know will never come." Rogan added the budget "abolishes no state agencies, bureaucracies, or mandates. It offers no reform for workers compensation, high taxes, welfare, or excessive government regulation." Other than that, Mrs. Lincoln, how did you enjoy the play? CPR



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Glittering Fountain or even a lowly sparkler lest we endanger our delicate bodies), Tom McClintock, who is beginning to sound increasingly like the California Republican leader that Pete Wilson, had he any wits, would be, spoke several wise words at the state Capitol in Sacramento. For instance:

"A government that attempts to disarm decent citizens while criminals are untouched not only fails in its responsibility to protect the life, liberty, and property of its people; it becomes destructive of those rights ....

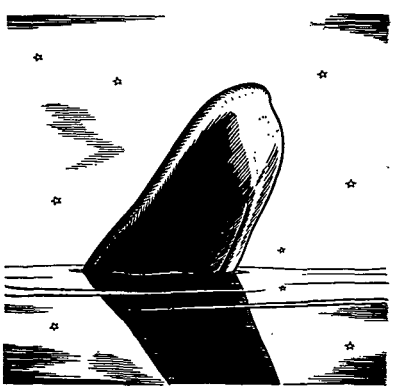
"Local, state, and federal government now takes more than half the earnings of an average Californian. When more than half of the product of your toil is taken by a master, what does that make you?

"UN-ELECTED BUREAUCRATS are now routinely entering our businesses without our permission, demanding crushing fees for unwanted services, seizing property without due process, and imposing fines without a trial, often on the most trivial of pretexts ...."

It is remarkable that this condition has fallen upon us not following some defeat in battle against foreign or domestic tyrants, but gradually as a result of votes cast by Americans for men and women who think McClintock describes a highly desirable California — progressive, liberating, humane. If we keep electing them, presumably we deserve what we get.

Early-Campaign Conservative-Bashing

BUOYED, PERHAPS, by Kathleen Brown's stumbling efforts, Pete Wilson apparently felt safe in indulging a little early-campaign conservative-bashing, resurrecting his demand that the Republican Party give up its long-standing fight for unborn children's right to life. Wilson knows his words will have little effect on either the California or national GOP's continued pro-life position, and doesn't much care. This divisive Wilson blast was meant to impress the media, and to calm liberals around the state who might be concerned about his anti-immigrant and tough-on-crime campaign rhetoric. (Following many years of practice, Wilson does this well. A fawning editorial in the *San Francisco Chronicle*, "Governor's Voice of Reason on Abortion," promptly appeared.)



WHAT IS less obvious, perhaps because it seems so bizarre, is that this particular slap at conservative Republicans is yet another unprovoked attack by Wilson against his own Party's core constituency, coming out of the blue, touching an issue raised by nobody in the current governor's race. Imagine an incumbent who, as recently as the June primary, proved barely able to win half his own Party's vote in its Orange County heartland, but who nonetheless is out there now doing his best to estrange yet further the state GOP's Ron Unz factor. Wilson probably feels better the longer he refuses to admit to himself that Unz ever represented any substantial opposition to him within the Party.

But perhaps we are also seeing Wilson's personal Captain Ahab within once more rearing its distorted visage. It would not be the first time, by any means, that Wilson has done himself harm through his unwillingness or inability to resist the temptation to lash out at his personal Moby Dick: the terrible, much-hated Right Wing. If this keeps up, Wilson might yet manage to hand the election to Brown.

Imelda Streisand

Guest Editorial by Leon McKinney

THIS SUMMER Barbra Streisand swept into Orange County for six triumphant — and lucrative — performances at the Anaheim Pond. Afterward, Ms. Streisand's accountants exercised their adding machines counting up millions of dollars in receipts. All this would be a matter between the singer and her fans were it not for Streisand's regular, tiresome, public harping on the Bill and Hillary Clinton theme of evil Republicans, decade of greed, 12 years of neglect, and so on.

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Sacramento Spectator

Primary Reinforcements

THE JUNE primary election reinforced conservative dominance inside the California GOP. While the big-buck, statewide showdown between *Wilsonistas* and conservatives that took place in 1992 did not repeat itself, half a dozen or so contests did pit the two sides against each other. Unfortunately for Petey the Guv, the results this year were identical to '92 — a moderate wipe out, with conservatives winning across the board.

Most prominent of these victories was that of Tom McClintock in the race for state controller. McClintock faced one John Morris. Morris is a "businessman" who thinks "moderation" is the key to GOP success, knows of no principle so important as to require becoming "controversial" in its defense, and thinks the "religious right" is ruining the party — in short the perfect Wilson clone. Morris outspent McClintock at least 3-to-1. The result was a 2-to-1 McClintock victory.

ELSEWHERE AROUND the state in legislative primaries, people like us (folks who hold the quaint view that principles and ideas have meaning in politics) swept primaries for both houses. This is definitely bad news for Petey (if he is re-elected) and probably bad news for state Senate Republican Leader Ken Maddy, whose hold on the top GOP post is tenuous at best. In the Assembly, the election results will simply reinforce the hold conservatives already have on that caucus.

And speaking of the Assembly, that house was the scene of the one exception to conservative dominance in the primary. The contest in Orange County to succeed hardcore Gil Ferguson saw one Marilyn Brewer emerge victorious by a margin of 150 votes. Said Ms. Brewer is vociferously pro-abortion, pro-gay rights, anti-gun, and was a registered Democrat until two years ago.

She won in one of the most conservative districts in the state because two strong conservative candidates split the vote, allowing Brewer to triumph with *35 percent*. The blame goes to the conservative "leaders" in Orange County who could not (actually who *would* not) agree on one candidate. Virtually every conservative elected official in the county played this game. And because of egos, turf battles, and just plain stupidity we have a true viper in the Assembly caucus now. Your *Spectator* has been watching national and state politics for eons, and rarely have I seen a more loathsome display of juvenile power games played without regard to truly important issues. There is plenty of blame to go around, and everyone whose stubbornness led to this unhappy conclusion should be ashamed of themselves.

THE HOT talk in the local watering holes where conspiracies are whispered but the gin is iced revolves around an organized effort to get conservatives to split their ticket this fall. The plan would be to vote for McClintock for controller, Lungren for attorney general, and Matt Fong for treasurer, letting Wilson, Cathy Wright, and Bill Jones lose their offices to Democrats. Your *Spectator* is dubious for two reasons.

First, this sort of thing is exceptionally hard to organize. It takes a fair amount of explaining, and those folks who understand such dynamics are probably going to cast a ballot close to this plan anyway.

My second reason is that I expect Wilson to be re-elected rather easily. Kathleen Brown is the personification of the old saying that you can't beat somebody with nobody. She has nothing to say of interest to your average voter. And she cannot credibly attack Wilson on his vulnerabilities — high taxes, excessive government growth, and a general spinelessness about everything except his own overweening ambitions.

A Wilson win by more than five points or so would start to have a coat tail effect down the ticket, and it would take a massive organized effort to deny this effect to selected offices ... but then again, the folks targeted for being passed over on our ballots richly deserve such treatment by all members of the conservative tribe.

Well, must run now. Just got hold of a hot rumor that Governor Wilson actually smiled. This has to be a bogus report, but your *Spectator* will supply full details next time.

— A.P.C.

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Streisand's hypocritical politics make her high-flying finances fair game for comment.

First, Exhibit A: In addition to throwing out the promised middle class tax cut, Clinton's "deficit-reduction package" eliminated corporate tax deductions for employee compensation that exceeds $1 million per year. Besides allowing government to seize more money, it made the neat ideological point that rich businessmen are all greedy and ought to be punished.

BUT THEN it turned out that some of the greediest people in America are also Bill Clinton's friends. *No problem.* That's what loopholes are for. What came to be termed the "Streisand provision" (because guess-who bent Bill's ear pushing it), was added to the package: a special exception to the $1 million deduction limitation that lets sports and entertainment businesses continue writing off exorbitant pay given to mega-star NBA players and performers like Madonna and, of course, Barbra Streisand. Businesses that pay less in taxes can afford to pay more to those who work for them, so this benefit can be passed directly along to Ms. Streisand in the form of higher pay.

But that's not all. There are also one's personal income taxes to consider. Ms. Streisand has proven creative in exploiting tax deductions in this regard as well. Hence, Exhibit B: Last November the singer donated her 22.5-acre Malibu estate to the Santa Monica Mountains Conservancy. With four houses and a caretaker's residence, the new Streisand Center for Conservancy Studies will serve as an environmental research and conference center. Apparently a generous gesture, but as is often true in Hollywood, appearances can be deceiving. Thanks to an apparently inflated $15 million appraisal for her estate, Streisand may have unduly sliced more than $1.5 million from her tax bill.

Streisand had been trying unsuccessfully to sell the estate since the late 1980s, repeatedly dropping her price from almost $20 million. Last August, she decided to donate the property and authorized the conservancy to conduct an appraisal, as non-profit organizations must do before accepting such gifts.

"THE ONE stipulation we wish to put on this is that all information must be kept strictly confidential," said Susan Keenberg, Streisand's business manager, in an August 27 letter to the conservancy. Eager to cooperate, conservancy officials avoided the normal bidding process and hired appraiser Edward P. Reilly over the phone for $11,000. They reminded him in a September 2 letter from conservancy Deputy Director Belinda Faustinos that "this appraisal must be kept strictly confidential," and gave him a copy of an ad listing the property for $19.5 million. Yet the Multiple Listing Service, used by real estate professionals, shows an asking price of only $11.9 million from February 1993 until just before Reilly was hired, when it suddenly soared back up to $19.5 million.

Reilly's October 1 appraisal pegged the estate's value at $15 million and is filled with suspicious-sounding items. The "market data investigation," Reilly wrote on page 3, "was limited in that no owners or brokers were contacted to verify sales or building information." On page 59 he wrote that "No contact was made with the broker or any other parties due to the fact that all information was to be kept strictly confidential." Justifying his $15 million appraisal, Reilly referred to an ocean-front estate sold by Julie Andrews and Blake Edwards, saying they'd received between $11.5 and $11.9 million. Yet the actual price turns out to have been $9 million.

ACCORDING TO the IRS Los Angeles district office, "the measure of the (tax) deduction is the fair market value, and the fair market value is what a willing buyer would pay a willing seller." With her income, Streisand is paying in the 50 percent-plus income tax range (Clintonomics' top federal rate of 39.6 percent plus California's 11 percent top rate.) The $3.1 million difference between an $11.9 million deduction and one of $15 million would work out to some $1.55 million in tax savings for Streisand.

Streisand's minions have either dodged questions about the matter or offered weak excuses. The appraiser won't be interviewed ("I just don't want to get involved.") David R. Perry, one of two brokers that had listed the property, and Keenberg now say the $11.9 million listing was a mistake; that that was the price for just part of the estate. This "mistake" somehow kept occurring every two weeks (that's how often MLS updates its listings) from March through August of last year, every time showing $11.9 million for the *whole* property. The second broker, Colleen Rose, confirmed the MLS price until told what Keenberg and Perry had said. Oops. "Maybe I haven't remembered it properly." The conservancy is scrambling for cover, with Faustinos saying the appraisal was confidential only because "if word got out about it, basically Ms. Streisand would pull out of the deal."

Keenberg dismisses talk of a cover-up, explaining that

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"Ms. Streisand is a very private person" and that "Her whole reason for doing what she did was to make a beautiful and generous gift to the state of California." A grubby, greedy little tax dodge by one of the *Clintonistas* most celebrated fonts of concern for the poor and the downtrodden? Unthinkable!

'93 John Swett Media Awards.

Teachers (Union) Pets

CTA Thanks The Press for 'Excellent' Education Coverage

Jim Christie

THE PRESS doesn't like to celebrate vocally the insidious courtship rituals that special interests apply to the Fourth Estate. That's why you will see stories even hinting that special interests try to ingratiate themselves with the media camouflaged under sanitized headlines like: "3 Chronicle Writers Honored For Coverage of Education," which appeared over an article in the May 12 *San Francisco Chronicle.*

As it turns out, the California Teachers Association (CTA), an 800-pound gorilla of a special interest in Sacramento as well as one of the biggest political spenders in the state, gave out these particular awards. But the *Chronicle* story made no mention of CTA's ambitious political agenda.

Instead, the teachers union was portrayed as motivated purely by the highest journalistic standards in handing out its 1993 John Swett Media Awards.

One Swett award went to a *Chronicle* editorial writer for dumping on last year's unsuccessful school voucher initiative, Proposition 174 — as if CTA, which raised $17 million to defeat the initiative and waged an often hysterical broadcast campaign distorting its intent, needed the help. In fact, the union, one of the state's most powerful lobbies at 200,000 strong and an affiliate of the 2 million-member National Education Association, had enough money left over in its campaign war chest for Election Night bashes throughout the state, including one in San Francisco's posh Fairmont Hotel. But fair enough; editorialists may take up whatever cause they like and be seen in public with whatever special interest they defend. What's more disturbing, however, is that two *Chronicle* reporters, among many others around the state, also received Swett awards. To be sure, a skeptic might rightly conclude the awards were given to reporters for manipulative reasons.

A skeptic might also point out CTA's hedged portfolio of Swett awards. Other major newspapers whose reporters received the teachers union's award included the *Los Angeles Times* and the *San Jose Mercury News.* Both newspapers editorialized *against* the school voucher initiative — as did the Swett award-winning *Fresno Bee,* representing the McClatchy newspaper chain, which includes the editorial-policy setting mother daily, the *Sacramento Bee,* another school voucher opponent (and the sole remaining daily in the state capital).

The only major metro daily to take a Swett award and *not* stand editorially against 174 was the *San Francisco Examiner.* The *Examiner,* however, was agnostic on the issue, promoting the voucher concept but unwilling to endorse this particular effort — a tactical draw in the endorsement game for CTA, but a strategic loss for school voucher proponents.

NOT SURPRISINGLY, major newspapers at odds with teachers unions over editorial policies — the *San Diego Union-Tribune,* the *Orange County Register,* the *Daily News* of Los Angeles and the late *Sacramento Union* — failed to make CTA's reporting awards list, which is put together based on the recommendations of local CTA affiliates around the state. What *is* surprising is that reputable journalists go along with this transparent CTA farce. One cannot easily imagine seasoned *Times* reporters happily accepting, say, a Phillip-Morris Company Media Award for "excellence in reporting on issues relating to smoking" or a glowing account

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Oakland writer Jim Christie's articles have appeared in the Los Angeles Daily News, *the* San Francisco Examiner, *and the* San Diego Union-Tribune.

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appearing prominently in the *Chronicle* of honors bestowed on its writers by Shell Oil Company for superlative coverage of controversies over off-shore drilling.

AT AN Independent Institute luncheon in San Francisco last year, John R. MacArthur, publisher of *Harper's* magazine, rightly attacked the courtier culture in the mainstream press, something he encountered repeatedly in reporting for his book: *Second Front: Censorship and Propaganda in the Gulf War.*

When asked what he would tell journalism students about the professional responsibility of reporters, MacArthur said they should do all in their power to avoid the trap of "suck-up" journalism. "At the end of their lives," MacArthur said, "they are going to feel a lot better about themselves if they try to tell the truth [rather] than if they only made a million dollars or ... got invited to the White House for dinner five times." *Or* if they accept the bronzed valentines of political machines like CTA — valentines that may turn out to have strings attached. CPR

The Academy

'Are We Living in the 20th Century?'

On 'Teaching' Amidst Students Uncommitted, Unorganized, Undisciplined, Unprepared, and Unconscious

William R. Allen

I AM A grumpy professor at a prestigious university. I am grumpy because I am a professor. For I do very little teaching; instead, I merely conduct classes. More accurately, while conducting classes, I profess much profundity — but not much is learned. And what little is learned is largely confined, by choice of the customers, to immediate, nitty-gritty concerns of the final exam.

The intellectual returns from student investment cannot be great when the investment is not great. And there is not likely to be great investment by those who are uncommitted, unorganized, undisciplined, unprepared, and unconscious, who have no professional pride and no conception of competence and accomplishment.

The problem is not only that most children of the campus — there *are* a few blessed exceptions — do not know much and cannot do much. In addition, most are blissfully unaware of how little they know and can do; they are not effectively engaged in the subtle and rigorous process of learning and have little notion of what is entailed in learning; and they have neither found nor had impressed upon them effective incentive to try to discover what to do in trying to learn. They are young even for their tender years.

Such dour assessment reflects a mountain of discouraging evidence. A few anecdotes can illustrate.

- There was the freshman who allowed as how she would like to be a biologist, for, in her only biology class (in a lousy high school), she received a grade of D.
- There was the senior who had a part-time job as receptionist in an engineering firm, and concluded that it would be "neat" to be an engineer — although she found it quite impossible to grasp the concept of the slope of a straight line.
- There was the upper-division customer in a history class who asked the instructor during the final exam if we are living in the 20th century. (The reply was: "Most of us are.") Several of the student's colleagues in the class were uncertain as to whether the 1700s are the 17th century or the 18th.
- There was the large proportion of another history class who agreed that Aristotle elaborated received Christian doctrine — more than 300 years before Jesus.
- There was the final exam in a principles-of-economics class in which half of the young scholars agreed that "most goods are not free because most property is privately owned" and "because business is run for profit"; and a third of the elite group held that "recurring waves of inflation are the result of recurring waves of greed or irresponsibility of business managers or workers or consumers."

THESE YOUNG people — almost all of them genial and likeable when treated very gently — hardly try seriously to conceptualize, synthesize, and generalize; they have gained virtually no erudition or perspective; they are embarrassingly inarticulate and illiterate; they have no developed wisdom or insightfulness or sense of the wholeness

William R. Allen is professor of economics at UCLA, and fairly exudes beauty, grace, and charm, whether or not his students notice.

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and evolution of any part of their world; they are utterly lacking analytic intuition, feel for causal relations, and intellectual flair. And they commonly become either surly or sassy if criticized. They consider any grade less than B an insult.

An eminent colleague has publicly stated "the majority of students cannot think or write or study at the college level. Neither will they learn. Most will graduate with a C, C+, or B- grade average. But they are *totally uneducated.* And most of them don't know it, having picked up no idea of what an education might be. The whole thing is scandalous."

Scandalous, indeed. But, in this crisis of the campus, do not look for much voluntary reform from college administrators or even from faculty, who typically acquiesce in and often prosper from the scandal. For dilution of professionalism can mean more bodies in the classroom, more classrooms, more faculty, and more deans. And, of course, more is always better .... CPR

The Working Press

How About Covering Kathleen's Inner Circle?

Could We Read About Her Ties to CTA's Alice Huffman?

Tim W. Ferguson

THE POLITICAL press's honeymoon with Kathleen Brown ended perceptibly this spring, but the downbeat stories were just as patterned as the upbeat ones. How about something original, such as identifying just who her close advisers are? Whatever she ends up saying on the stump, whatever is in her lengthy position papers, it is the people she surrounds herself with, plus the legislators and the lobbyists she would make closest use of, who would define her administration. In this regard, could we read a little more about her ties to California Teachers Association Executive Director Alice Huffman and whether they do or do not suggest a cozy relationship with the CTA? How about her pacts with the rest of organized labor, as symbolized by the appointment of Miguel Contreras of the militant hotel and restaurant union in Los Angeles as deputy campaign manager?

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Just as John F. Kennedy is too little remembered for legislation that opened the door to teacher unionization across America, so is Jerry Brown's role in fostering collective bargaining for the rest of California's public sector not included often enough in lists of his sorry legacies. *Sacramento Bee* columnist Dan Walters did so in noting how the government unions lobby for higher and higher pay. As Walters recognized, the difference between this and a private union's sway in the capital is that management, in the latter case, can balance the scales with campaign contributions. Not so with public-sector managers.

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Another helpful memory exercise was *Bee* Associate Editor William Kahrl's explication of the wacky mountain-lion initiative that was passed in 1990. It requires that at least $300 million be spent on habitat for "two species that are emphatically not endangered in any way." The California cougar population doubled in the last 20 years and more children and livestock are being mauled. Meanwhile, the feline preservation fund drains money away from higher-priority resource categories.

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The *Orange County Register* found a human hook for back-to-back Page One splashes on the special-education nonsense that is eating up time and money in hard-pressed school systems. This story involved a six-year-old monster who was expelled from a Huntington Beach kindergarten, only to be ordered back in by federal Judge Matt Byrne (*see* Ellsberg, Daniel) over the protests of his classmates' parents. Qualify under the expanding special-ed umbrella, and you are exempt from disciplinary standards.

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The trial lawyers association and its toady, GOP *(sic)* Assemblyman Paul Horcher, actually found an opponent even more odious than themselves when they snuck up on the TV-ad attorneys with a bill to contain this embarrassment on the profession. The *Los Angeles Daily Journal* did the subject justice but, by and large, media snoozing left the measure's opponents scrambling to wave the First Amendment flag. They signed up the California Broadcasters Association against it, a tacit admission that sleazy commercials for personal-injury and employee-gripe suits constitute a big revenue source for many stations. In the end, the hardcore ambulance chasers won, which may be good news if it means that

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Tim W. Ferguson is California Political Review's *press critic.*

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mainstream trial lawyers will have to devote more time and energy to cleaning up this scene.

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The *San Francisco Chronicle* produced another nifty, nicely-illustrated news series on immigration. Especially delicious was a sidebar on how the issue ties up the Sierra Club in knots over conflicting impulses of liberal ideology: the poor or the planet.

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Chronicle editorial writer Michael Harris is the proud winner — or at least the *Chron* was proud (and dumb) enough to highlight this — of one of the CTA's annual newspaper awards for his bashing of the voucher initiative. It was a tough audience, Michael, but you hit all the right notes. Congratulations!

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Notwithstanding that, there's still some fresh air blowing through the *Chronicle.* It sends Ben Wildavsky to San Francisco State to chart campus tensions in light of a fight over a Malcolm X mural that contained Stars of David with dollar signs. He finds that multiculturalism, in which SF State is steeped, hasn't subdued racism. A one-time Black Panther on the faculty laments "a growing wave of intolerance and bigotry."

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The *Wall Street Journal* discovered that Roger Johnson, former CEO of Western Digital in Irvine and a prominent GOP *(sic)* defector to Bill Clinton in 1992, was mixing in personal trips with government-paid travel in his Clinton administration sinecure as head of the U.S. General Services Administration. Then came a story in the *Orange County Business Journal* that the *new* chief of Western Digital had turned the disk-drive company around by undoing much of Mr. Johnson's business plan. It all fits, no?

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In early reporting on the latest months-long court-ordered delay (for environmental reasons) in building a tollway through south Orange County, not enough media noticed that the federal judge playing traffic cop was the same Harry Pregerson who held up the Century Freeway in Los Angeles for two decades and increased its cost five fold.

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Alan Cranston's narrow defeat of Ed Zschau in 1986 for a final term in the U.S. Senate still reverberates. Not only did it have sorry consequences for California and national politics — even conservatives who fought Zschau can acknowledge that — but the full corruption of Cranston's campaign may never be known. This spring, the *Los Angeles Business Journal* did some nice follow-up, noting that one Carl Rheuban was quitting his law practice under heat from the state bar for mishandling client funds. Earlier, Rheuban had founded a Century City thrift that went bust (*à la* Charles Keating) but not before lending to Cranston and Michael Goland. It was Goland's surreptitious smears of Zschau to Jewish voters that some believe turned the election ever so narrowly to the man who now oversees the Gorbachev Institute from a perch at the Presidio.

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If the news section of any paper in the state found one or two of the usually quotable civil libertarians to complain about the Draconian new federal penalties for those who sit-in at abortion clinics ("blockade" is the chosen term in this instance), we missed it. Some causes are less equal than others, even if in this case the issue is not animal rights or ethnic studies or old-growth timber, but human life itself.

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The press can be pro-baby when that also means being pro-government. The *San Francisco Examiner* did its best in an April news feature to push state Senator Art Torres's bill to require that employee health plans cover infertility procedures, including in-vitro treatments that range up to $10,000. Such expensive mandates are a big reason why so many people are "uninsured" — they boost the cost of basic coverage beyond the means of many businesses. This time the Senate rejected Torres's bill, but watch for him to come back to the issue as insurance commissioner.

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The *Los Angeles Times* trumpeted the news (which it picked up from the *Orange County Business Journal)* that Bloomingdale's was planning four stores in Southern California. Hallelujah for the local economy, everybody said. The *Times* has always been a cheerleader for retail, particularly department stores that are big advertisers. So slavish was its coverage of Carter-Hawley-Hale, for example, that the mismanagement of the company by socially prominent Philip Hawley that nearly wrecked the Broadway-Emporium owner went unreported for years. A buyout brought new management, but too late to salvage much of the stake held by employee retirement funds.

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Robin Abcarian opines in the *Times* but *not* on the opinion pages, as the gremlins caused to be stated here last time. And as summer neared, she treated readers of her Sunday confessional to a vignette from Venice (California) in which she and a female friend took offense at a Mercedes that stopped a little too close to their jog-togged bods in a crosswalk. First her friend and then sweet Robin herself opened the kind of garbage mouths that distinguish modern Womyn. The "F" word apparently was the gist of the exchange, to which Robin conjoined the "M" word for good measure. (She deleted the expletives but left little to the imagination.) The Mercedes man's profane contribution included the fighting word "fat," directed at the two feminoids, which may explain a lot.

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In the face of relentless criticism from this corner, the "View" section of the *Times* — home to Ms. Abcarian — has changed. It is now called "Life & Style." CPR

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THE WRECK OF THE CALIFORNIA

CAN WE PICK UP THE PIECES?

By
TOM McCLINTOCK

An international syndicate of bankers met with legislative leaders to dictate the general parameters of the state's new budget while the people's elected representatives obsequiously scrambled to comply.

ECLIPSED IN THE SHADOW of the OJ Simpson show, an event of vastly greater historical significance passed virtually unnoticed this summer. The once Golden State of California pioneered a new era of governmental insolvency when it closed its 1993-94 fiscal year in *de facto* receivership. An international syndicate of bankers met with legislative leaders to dictate the general parameters of the state's new budget while the people's elected representatives obsequiously scrambled to comply.

The reason was simple and shocking. California's prodigal politicians had finally accomplished what fiscal experts would once have called impossible: bringing a state from a triple-A bond rating to the brink of bankruptcy in just half a decade.

California's short term debt — its deficit — had grown so large and its fiscal mismanagement so outlandish that for the first time in her history, lenders were unwilling to continue financing the state's borrowing binge without a loan guarantee from a consortium of international banks. And the bankers, who maintained an eccentric old-world expectation to be repaid, insisted on having a role in the decision making.

Ironically, just three weeks after California voters rejected $6 billion in government borrowing on the June ballot, their representatives were desperately arranging to borrow $7 billion. The cost to California taxpayers for the two-year swing loan — the largest ever sought by a state — is nearly a half-billion dollars in interest and fees. In real numbers, that means an average family of four — which has painstakingly had to balance its budget through record tax increases and an imploding economy — will be forced to pay an additional $60 in finance charges and interest because Sacramento's finest have been unable to do the same in five successive years.

It would be easy and entertaining to cast blame. Vigorous, precise, and constant warnings from prominent economists, financial experts and bond rating analysts had been recklessly ignored by California's politicians for years. The loudest wake-up call came last May when Standard and Poor's warned the California Debt Advisory Commission that California had amassed a larger debt — both proportionately and in absolute numbers —

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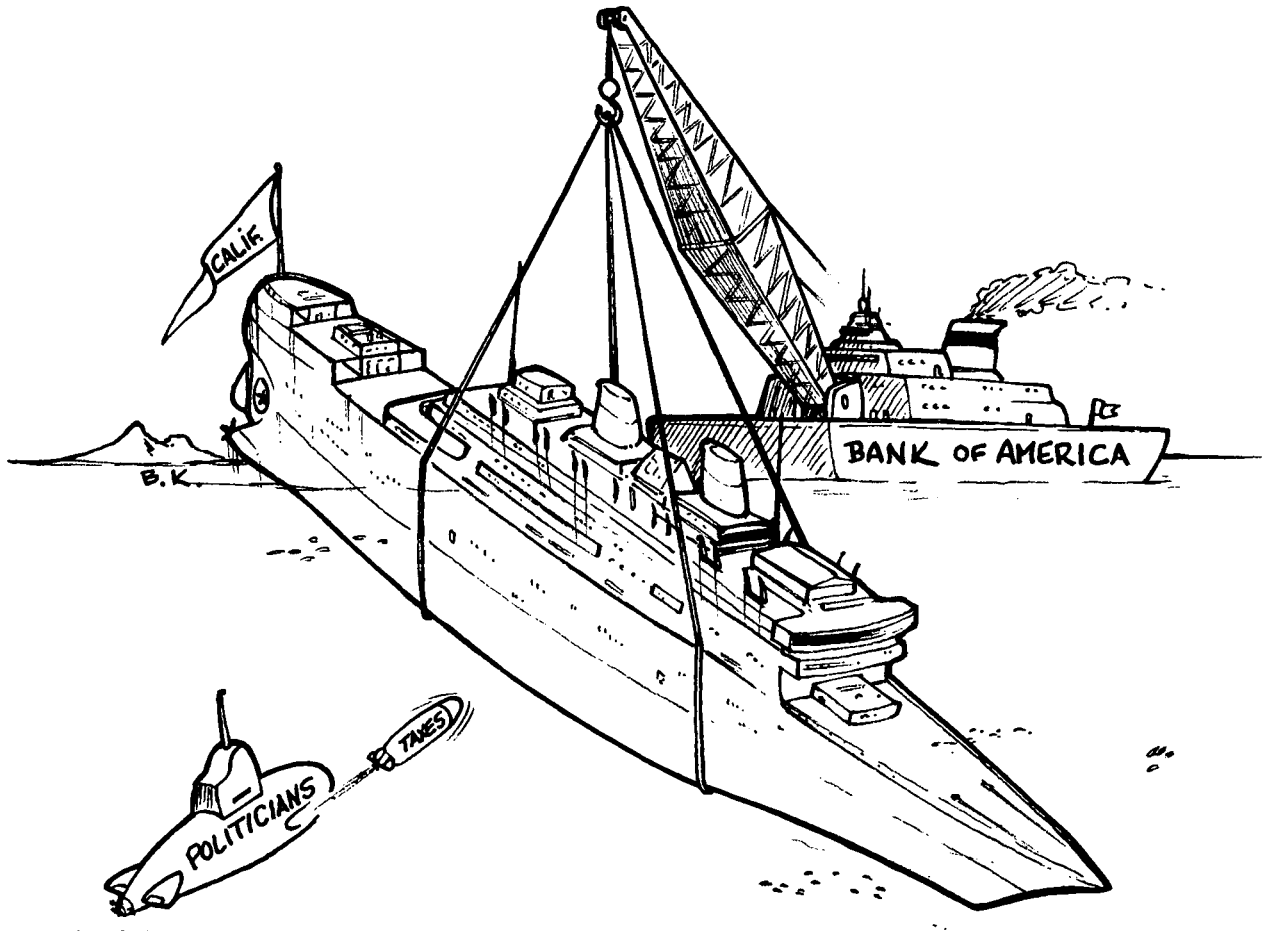
than New York City in the 1970s when it flirted with bankruptcy. Fiscal alarms echoed from every direction, but Sacramento's narcoleptic nabobs kept hitting the snooze button. Last year, they contented themselves by passing one of the most unbalanced budgets in the state's history while effusively complimenting one another on their unusual punctuality.

The dominant apologia in the Capitol is to blame California's sour economy for the mess, but such excuses utterly fail to account for other states that faced equally harrowing fiscal problems without resorting to tax increases or deficit budgets. They also ignore the impact Sacramento's taxes and deficits have had on the economy.

It is even more tempting to blame California's insolvency on an unusually doltish crop of current politicians (and certainly a strong case can be made for this explanation). But the predecessors of the current Legislature were no towering monuments to intellectual integrity either. Why has the current group shattered all prior records for irresponsibility? Ultimately, the problem is systemic and will not be corrected by placing either the state's budget into receivership or the state's politicians into retirement. California's fiscal affairs are a shambles because the constraints the state constitution placed on the natural and predictable irresponsibility of politicians have been eroded and dissolved. Had these constitutional safeguards remained intact, even California's current class of political reprobates could have done little harm.

For openers, California's Constitution has always required that the budget sent to the Legislature each January be balanced, and for generations it natu-

The dominant apologia in the Capitol is to blame California's sour economy for the mess, but such excuses utterly fail to account for other states that faced equally harrowing fiscal problems without resorting to tax increases or deficit budgets. They also ignore the impact Sacramento's taxes and deficits have had on the economy.



The Wreck of the California

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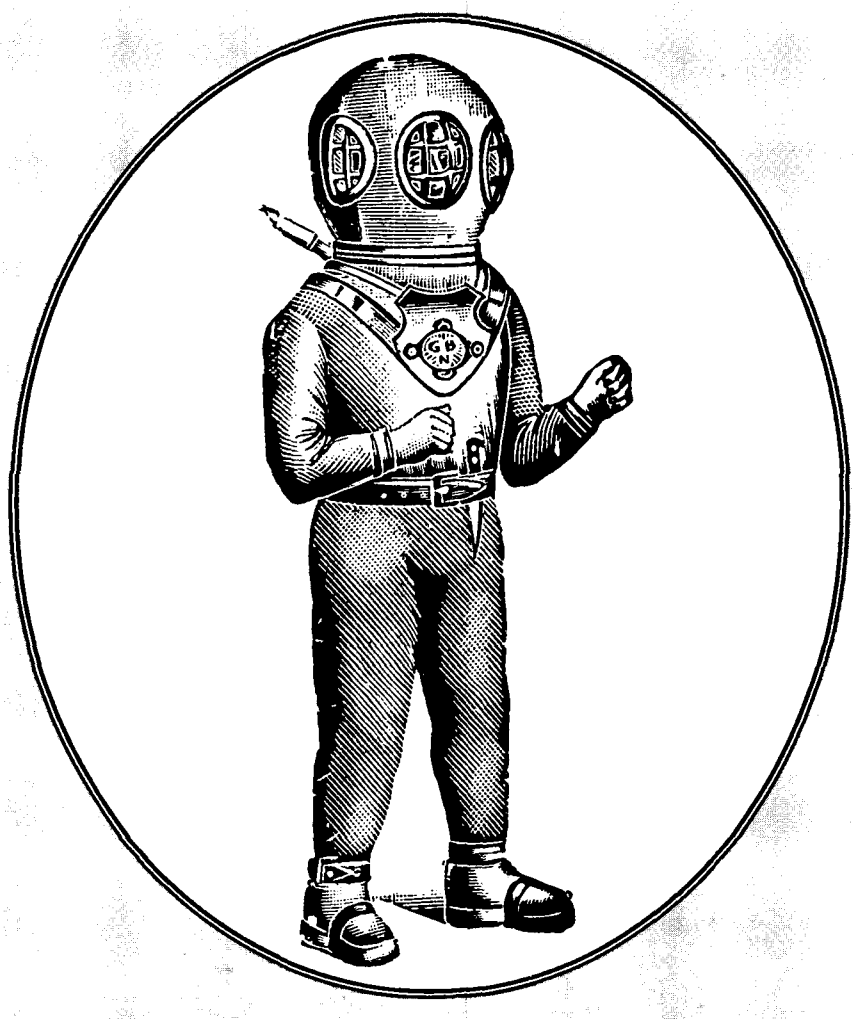
rally followed that the budget enacted later in the year had to be balanced too. But more recently, this constitutional requirement for a balanced budget has been cynically circumvented through various evasions.

SINCE 1990, wildly inflated revenue projections have been used to pretend the budget was balanced while billions of dollars of red ink seeped onto its ledgers. This year, for example, the budget was built on the assumption the state would enjoy a miraculous 5.9 percent rate of revenue growth. This annual fudging of the revenues, which would land any S&L president in jail, has added nearly a billion dollars of red ink to last year's budget and will add more than a billion more by next year. In 1993, even the polite pretense of a balanced budget was dropped. Since the constitution speaks only to what is introduced — and not to what is actually adopted — the last two budgets have included deliberate "roll- overs" of debt from one year to the next. Thus, budgets that would have been patently unconstitutional if introduced in January are routinely adopted in June, transforming California's balanced budget requirement from a revered practice into a quaint myth.



Budgets that would have been patently unconstitutional if introduced in January are routinely adopted in June, transforming California's balanced budget requirement from a revered practice into a quaint myth.

Another vital mechanism that restrained the profligacy of our politicians had been Article XVI of the state constitution, which prohibits the Legislature from borrowing more than $300,000 without a vote of the people — a restriction any parent of a credit card-wielding college student can appreciate. But a variety of court rulings and the ever-expanding interpretation of these rulings by budget writers have made a mockery of this protection.

During the Depression of the 1930s, the state issued IOUs to meet temporary cash shortages, a practice the courts ruled was merely an emergency response to unanticipated events and therefore not a deliberate circumvention of the constitution. The courts further sanctioned short term notes within the fiscal year as a means to smooth out the monthly fluctuations in state revenues. This tiny and apparently harmless crack in the constitutional dike has now collapsed the entire levee. Taking these rulings well beyond the ridiculous extreme, the state in recent years has financed a substantial portion of its deficit by rolling over steadily-mounting debt with billions of dollars in notes of less than one year. And last month, the attorney general's office issued a contorted opinion that the court

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rulings that allowed the state to issue temporary IOUs for a few weeks between fiscal years to cover unexpected shortfalls now empowered the Legislature to enter into a multi-year $4 billion debt — tying the hands of legislators not yet elected.

Just to add a final blow to Article XVI, the princes of profligacy developed an additional fiction with which to circumvent the constitution's mandate that public debt be voter-approved: the use of the revenue bonds. A revenue bond is an instrument backed not by the taxpayers, but by the users of a specific facility, and thus requires no approval from voters. For example, a bridge might be financed by a loan to be repaid from tolls that are collected from bridge users. The taxpayers are never on the line.

Beginning in 1991, the state began financing billions of dollars of prison construction through the use of revenue bonds, thus bypassing the voters. One might ask, since prisoners aren't renting out rooms, how are the prisons generating revenue to repay the loans? They aren't, of course. The repayment revenue comes directly from the annual Department of Corrections budget, which comes directly from the general fund, which in turn comes directly from ... you guessed it. California taxpayers are obligated over the next generation to repay nearly $2.5 billion of additional debt they never approved. One reason the state's prison budget is ballooning is that debt repayments are now being included in it.

(This is particularly dangerous because a provision in this year's budget will trigger dramatic across-the-board cuts in non-education spending when the state again runs out of money in early 1996. Debt repayment cannot be cut, so the squeeze must come entirely on the operational side — magnifying the impact on actual prison operations and creating irresistible pressure for a major tax increase to avoid a public safety calamity.)

A third element in the taxpayer's triad of defense was a constitutional provision of more recent origin. In 1979, voters approved Proposition 4, better known as the Gann Spending Limit, which placed a flexible restraint on the total amount of funds the government could spend without voter approval. The limit was hardly draconian (it expanded with population and inflation), and from 1979 to 1990 allowed state general fund spending to increase from $12.6 billion to $31.2 billion.

BUT EVEN this modest limitation proved too inconvenient for Sacramento's spenders. Propositions 98 and 111, passed in 1988 and 1990 respectively, changed the formula for calculating Gann, sending the spending limit into the upper stratosphere of government finance, where it still orbits unobtrusively today. For example, Proposition 111, which the Legislature impishly titled a "Transportation Improvement and Spending Limitation Act," increased the spending ceiling by $53.3 billion over a decade for purposes unrelated to transportation.

The requirements that politicians balance their budget and that they seek voter permission for borrowing and for expenditures above a certain limit (which operated effectively throughout the 1980s) had been knocked down one by one. The loss of the Gann Spending Limit relieved Sacramento's

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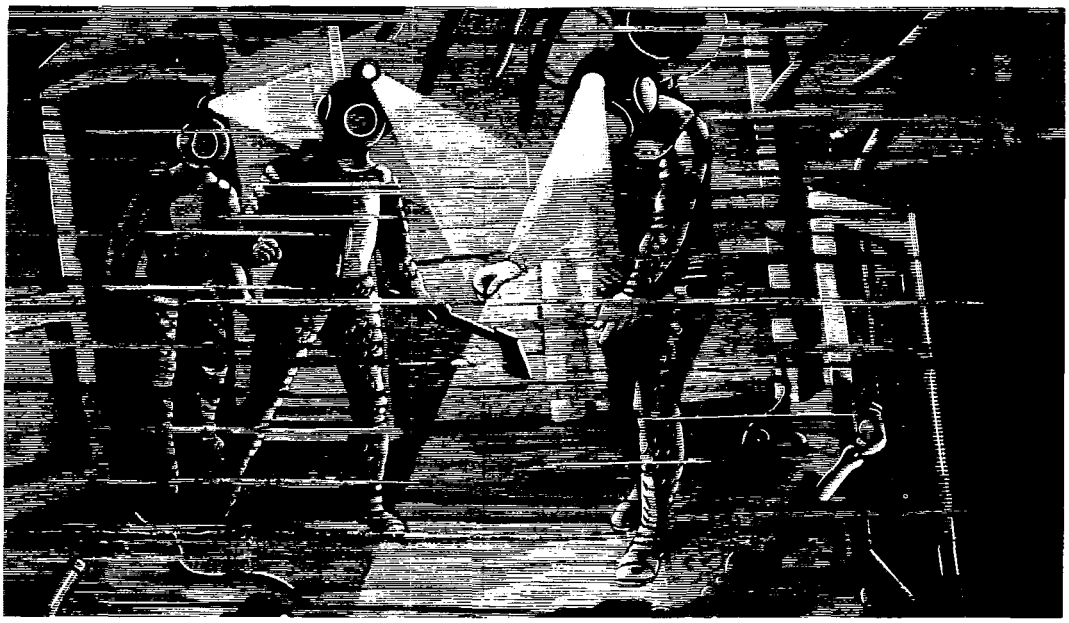
party animals of the little remaining adult supervision the constitution provided, and the trashing of California's budget began in earnest.

The constitutional safeguards having been disposed of, perverse provisions were then adopted to encourage fiscal folly. The most bizarre provision virtually guarantees a future of steadily mounting deficits. To his credit, Governor George Deukmejian, in office from 1983 until 1990, insisted on a three percent reserve for economic uncertainties, providing the budget a cushion to accommodate unexpected revenue shortfalls or cost overruns. This reserve protected California against deficits in the mid-1980s and won the state a triple-A bond rating. Ironically, just when a reserve was most needed to cushion the erratic revenue and expenditure projections of the Department of Finance, the state's stewards eliminated it, translating every miscalculation into red ink.



In 1991, the state began financing billions of dollars of prison construction through revenue bonds. One might ask, since prisoners aren't renting out rooms, how are the prisons generating revenue to repay the loans? They aren't, of course. Repayment comes directly from the Department of Corrections budget, which comes directly from the general fund, which comes directly from ... you guessed it.

To make matters infinitely worse, the 1991 budget included a statute that guarantees a budget reserve will never be restored. As part of the record-shattering taxes that year, a quarter-cent sales tax hike was instituted with a perverse "trigger." The $750 million annual tax is set to expire automatically when a three percent budget reserve is restored. In effect, this measure provides Sacramento's politicians with a $750 million disincentive ever to restore a prudent reserve, guaranteeing that every future calamity or shortfall will ratchet the state progressively deeper into debt.

California's 1994 budget has broken new ground for fiscal irresponsibility, continuing a level of spending far beyond the ability of her economy to sustain. The revenue projections upon which the spending plan is based include not only highly optimistic growth expectations, but fanciful predictions of more than $3 billion in federal bailouts. Instead of making cuts in the new budget (it increases overall spending four percent), Sacramento's politicians elected instead to borrow at unprecedented cost to make up the difference, and have pushed the entire mess into 1995 and 1996. Hiding behind the election-year facade of automatically triggered cuts — without the reforms to make those cuts possible — they have all but guaranteed another major tax increase next year, and another downward economic spiral for the once-golden state.

Picking Up The Pieces

Unless the wise, and historically-proven, constitutional limitations on the chronic fiscal recklessness of our elected officials are restored, it should be

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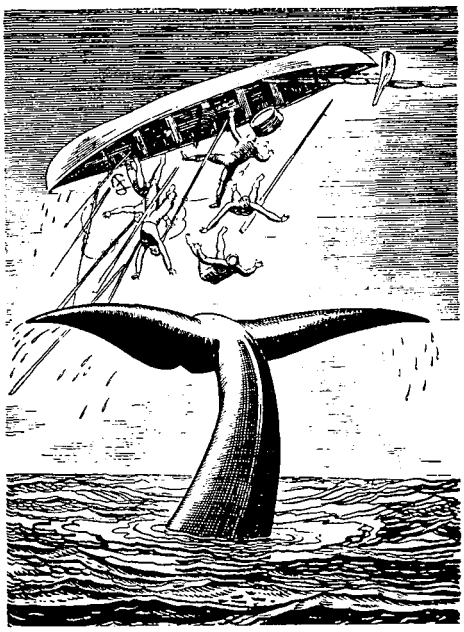
obvious that California's long slide toward bankruptcy will continue.

First, California needs a genuine balanced budget requirement in its constitution, mandating that the budget must be balanced upon its adoption — and not merely upon its introduction. The state can be protected against bogus balancing acts through a legal requirement that revenue projections be verified by an independent commission, such as the California Debt Advisory Commission or the Commission on State Finance. Both commissions were established to monitor the state's finances and to act as a check on both the governor and the Legislature.

Second, the tattered remains of Article XVI's voter approval requirement of all debt must be fully restored to its original intent and the court rulings that have progressively chipped away at this armor should be corrected. The use of short-term notes should be prohibited, with cash-flow management limited strictly to internal borrowing within the fiscal year.

Third, the Gann Spending Limit should be restored as it was originally designed. Expenditure limitations (with voter approval needed to exceed them) are a vital component of any permanent solution to California's chronic overspending.



California needs a genuine balanced budget requirement; the tattered remains of Article XVI's voter approval requirement of all debt must be fully restored; the Gann Spending Limit should be restored as it was originally designed; and the $750 million disincentive for the Legislature to restore a prudent reserve must be expunged. These four reforms would simply return the budget to the conditions under which the state operated as recently as 1989.

FOURTH, THE $750 million disincentive for the Legislature to restore a prudent reserve must be expunged. The quarter-cent sales tax should be repealed, and a constitutional requirement for a prudent reserve of three percent at the outset of the fiscal year should be adopted.

If these reforms seem draconian it is a measure of how seriously and precipitously California's fiscal affairs have declined. These four reforms would simply return the budget to the conditions under which the state operated as recently as 1989, when it enjoyed a triple-A bond rating, a relatively low debt rate, and no major new taxes, even while the state budget more than doubled. It would be far more draconian for California to continue its current path. The state already is in a form of receivership and on a collision course with bankruptcy; it is a state with one of the lowest bond ratings in the country, unprecedented debt and astronomical interest payments, reeling under the weight of record new taxes.

If such reforms seen politically unrealistic, given the apparent inability of our elected officials to act responsibly, hope can be found in California's own history. At the turn of the last century, the Southern Pacific Railroad held virtual monopoly control of California's commercial transportation and maintained a slavishly supportive political system. In 1910, Governor Hiram Johnson brought a sweeping agenda of political reform to the state. He bypassed the Legislature, took his case directly to the people, and in a breathtaking era of political reform won the initiative, the referendum, and the recall, non-partisan elections for judicial and municipal offices, and the eradication of the political machines in Los Angeles and San Francisco.

The tools he provided during that era of political reform promise that Californians today can produce a new era of fiscal reform just as sweeping, longlasting, and overdue. CPR

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Editor's Note:

A debate is erupting among conservatives over strategy in the culture wars; most specifically over how to fight "political correctness" as it spreads its tentacles across society in the form of speech and behavior codes designed to force students, workers, employers, members of private organizations — ultimately all of us in one capacity or another — to conform to the whims of left-wing moralists.

One such conservative countermeasure, the "Leonard Law" (a 1992 California statute sponsored by state Senator Bill Leonard) makes most high schools and colleges in California, public or private, subject to the constraints of the First Amendment vis-a-vis their students. The law allows private lawsuits against these schools if they discipline students for conduct or speech "that, when engaged in outside the [school], is protected from governmental restriction by the First Amendment ...."

John Howard is president of the Individual Rights Foundation, a California-based organization devoted to combating P.C. In the May 1994 issue of The Defender, *IRF's official publication, Howard proposed that "it is time to apply the Leonard principle to the workplace. It is time to enact a Leonard Law for the workplace that makes it illegal for employers to make rules that are contrary to First Amendment principles and to provide workers a right of action ... [including punitive damages] for violation of its provisions." In the essays that follow,* CPR *Legal Issues Correspondent Mark S. Pulliam and John Howard debate this proposal.*

A Debate

SHOULD THE LEONARD LAW BE APPLIED TO THE WORKPLACE?

TWO CONSERVATIVES SQUARE OFF OVER STRATEGY IN THE BATTLE AGAINST 'P.C.'

As "political correctness" spreads its tentacles across society, how should conservatives fight it? Individual Rights Foundation President John Howard and *California Political Review* Legal Issues Correspondent Mark S. Pulliam argue the opportunities and pitfalls of applying the "Leonard Law" beyond the campus.

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MARK S.

PULLIAM

Busing, affirmative action, bans on school prayer and religious symbols, the emasculation of law enforcement, and the de facto legalization of pornography were won in the courtroom. What makes conservatives think expanding the scope of the judicial forum will bring better results?

AN ATHEIST parent wants his eleven-year-old twin sons to join the Cub Scouts but objects to the oath that requires members of the Cub Scouts to affirm a belief in God. The parent sues on behalf of his sons, and wins. A state appellate court rules in his favor. Atheists have a "right" to belong to a private organization that transcends the organization's right to restrict its membership to those who share certain fundamental religious beliefs.

An openly-homosexual adult wants to serve as an assistant scoutmaster in the Boy Scouts. The Boy Scouts refuse to allow avowed homosexuals to serve as adult leaders because the Boy Scouts believe that the homosexual lifestyle is immoral and a bad role model. With the support of the ACLU, the homosexual sues, claiming the Boy Scouts cannot discriminate against him on the basis of his sexual orientation, but loses in the trial court and on appeal. The California Supreme Court has agreed to hear the case.

These actual cases illustrate a disturbing but increasingly common theme: individuals dissatisfied with the rules established by a private organization, instead of finding (or establishing) an organization more to their liking, seek to compel the organization to abandon the objected-to

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Mark S. Pulliam is an attorney in private practice in San Diego and CPR's *Legal Issues Correspondent.*

JOHN

HOWARD

Government social planners know they cannot directly regulate most employee conduct, primarily speech. But they also know that businessmen, forced either to spend money fighting illegal, immoral, and unconstitutional rules or to impose strict codes of employee conduct, will choose the latter every time.

GOVERNMENT HAS insinuated itself into every aspect of the conduct of private business. It regulates who can be hired, who can't be hired, how long employees can work, how often they can work, how much they must be paid, what they can do, when they can do it, who can be fired, who can't be fired, how they can be fired, who can fire them, when they can't be fired, how they relate to one another, and what they can say. Every aspect of the relationship of employer and employee is regulated by the government. There is no exception.

Government action was once used to moderate abuse and improve unsuitable conditions in the workplace. Twisted and warped now, governmental regulation is designed, in part, to control the conduct of employees indirectly through the use of economic pressure on employers. Government social planners know that they are prohibited by the Constitution from directly regulating most *employee* conduct, primarily speech, and that any attempt to do so would be political dynamite the people would never accept. Therefore, bureaucrats draft and enforce mountains of rules that go far beyond anything authorized in legislation and without any effective check against their arbitrary power.

From the Office of Civil Rights to the EEOC to the plethora of federal agencies that regulate the conduct of business, rules are implemented that threaten fines and other sanctions against private businessmen. Whole new causes of action are created that

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John Howard is president of the Individual Rights Foundation.

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MARK S. PULLIAM

(Continued from page 21)

rule through the coercive mechanisms of the state, typically in the form of a lawsuit. An activist judiciary is frequently eager to restrict the autonomy of institutions when it interferes with the "rights" of some favored victim group, such as homosexuals or atheists. This way, not only is the autonomy of some individuals — the members of the private organization — subjugated to the will of others, it is done in a non-democratic way that is not accountable to the people. Judges, after all, are merely governmental officials wearing black robes. "Public interest" litigation like that being conducted against the Boy Scouts has become a playpen in which the ACLU and liberal judges regularly practice social engineering. Litigation is not a conservative's game. The liberal elite populating the legal profession is profoundly out of touch with basic values such as family, private property, public order, personal safety, and religion.

MUCH OF the liberal agenda has been achieved over the last several decades in the courts rather than the Legislature. Busing, affirmative action, the prohibition of prayer in the schools, the banishment of religious symbols from public life, the emasculation of law enforcement, the *de facto* legalization of pornography, and many other liberal victories were won in the courtroom, not the ballot box. What makes conservatives think that expanding the scope of the judicial forum will lead to better results?

The Leonard Law's laudable purpose is to end oppressive attacks launched by a hierarchy of left-wing censors on campus against free speech. But this is a particular case of a much broader attack on individual freedom happening in many spheres. It includes, for instance, oppressive tax rates and regulations that stifle economic freedom. It includes oppressive laws or court rulings that confer special privileges on particular individuals or groups, allowing them to transgress the rights of others to associate, or to refuse to associate, with other citizens based on religious beliefs, sexual orientation, political views, physical appearance, or other bases. The proposal to expand the Leonard Law to include private businesses is short-sighted in the context of this larger conflict. A tactical victory for free speech on the job won't compensate much if it is won at the cost of a major strategic defeat in the war against governmental interference in the private sector overall.

Private businesses must have the right to hire, fire, and discipline their employees, and to exercise their business judgment for the purpose of earning a profit.

THE POINT is that we should not lose sight of our larger objectives: private schools must have the right to determine their curriculum and discipline rules for students and faculty. Private businesses must have the right to hire, fire, and discipline their employees, and to exercise their business judgment for the purpose of earning a profit. Private employers must have the right to impose dress codes, attendance rules, and routine work rules to maintain the productivity and order of the workforce. Victories in other areas that force us to abandon these objectives are ultimately counterproductive.

The Leonard Law already has two flaws. First, it confers on students the full panoply of First Amendment rights that courts have recognized outside of the educational context. This body of First Amendment jurisprudence is an embarrassment, a

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JOHN HOWARD

(Continued from page 21)

give disgruntled employees the right to sue their employers for all manner of imagined slights. And courts have expanded the rules to provide a right of action against an employer even if he is unaware of prohibited conduct. Businessmen know that even if they win a lawsuit or administrative hearing, the money they spend defending comes directly off the bottom line. It is no wonder that at the point of the government gun, they create rules even stricter and more Draconian than those required by the bureaucrats.

The government knows the dirty little secret of corporate governance. They know that businessmen, who are in the business of making a profit rather than making a point, will not fight. They know that businessmen, when faced with a choice between spending money fighting illegal, immoral, and unconstitutional governmental rules and implementing strict codes of conduct on employees to comply with them, will choose the latter every time. This regulation creates a schism between employer and employee and fundamentally alters the natural alignment of interests. It makes the business owner an unwitting agent of governmental social planning and aligns his interests with that of the government rather than with his employees.

The government has designed hundreds of regulations related to sexual and racial harassment that have resulted in a national employer scramble to create rules that restrict employee speech and conduct. The result? What used to be innocuous social discourse has now become grounds for dismissal. These rules have tragically created tension between employees and changed the nature of workplace relations from collegiality to competing grabs for power and open threats of litigation.

Careers can now be destroyed by a harmless joke when offense is feigned by a co-worker with a grudge or the desire for advancement. Normal interpersonal speech is being replaced by stilted, formal *communiqués*, and warmth is disappearing from the workplace. In response to government threats, businessmen are altering relationships, prohibiting broad categories of speech, and imposing strictly enforced rules of conduct that sweep fundamental employee expressions into their net.

This law would put bureaucrats on notice that they cannot unconstitutionally limit the conduct of American citizens through the ruse of imposing obligations and penalties on private businessmen.

When an employee accepts employment, it is with certain understandings. He also takes with him certain fundamental assumptions about his rights as an American. He believes he has a right to express himself freely. He thinks his right to freedom of speech will be protected. A very small percentage of employers discuss the rules governing conduct of employees prior to hiring. An even smaller percentage have employee handbooks or written rules. No employer tells a prospective employee that by accepting a job, he forfeits his right to freedom during working hours. If employers did this, they would never find anyone to work for them.

EMPLOYERS CANNOT claim, then, that employees surrender their right to freedom of speech during working hours, because no employer makes such a waiver a term of the employee. It can't be credibly argued that the contractual rights between them provide the right to repress employee speech.

The right to freedom of speech is the most fundamental and cherished of American rights. It is that right out of which all others grow, and it is exercised mainly in the workplace. If the freedom to speak is fundamentally the freedom to convince or to advance ideas, that right is most meaningful on the job. Most people do not have access to groups of non-family members anywhere but on the job, and most political debate occurs where people work. That is why it is so important to preserve it in the workplace.

Businessmen will not take action against improper governmental rules unless they have an economic incentive to do so. They are in business to make money, not to fight for a cause, and they will not protect their employees' rights unless it helps to preserve or expand profits. It is time to alter the unnatural alignment between the interests of government and the interests of businessmen when it comes to employee relations.

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MARK S. PULLIAM

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joke. Topless dancing and panhandling are protected by the First Amendment, but crèches, crosses, and prayers in public areas are not. The Leonard Law, taken literally, could be invoked to prohibit a private high school or college (only schools controlled by a religious organization are excepted) from disciplining students for burning American flags on campus or wearing tee shirts emblazoned with "F*** the Draft." Under our bizarre body of Supreme Court precedents, such conduct is protected against government interference by the First Amendment.

Second, it treats all colleges as if they were public schools. The Leonard Law makes some sense for public schools but is an unwarranted intrusion into the prerogatives of private schools. The First Amendment does not restrict the actions of private citizens or organizations (although the Leonard Law obliterates the distinction between government and private action). The First Amendment restrains only government action. In *Disabling America,* Richard Morgan writes that the Framers "drew a very sharp distinction between the public and private spheres of human life .... Government was something special, and the rules that defined man's relationship to it were properly quite different from those which applied to private contexts." Only the conduct of the government, known in legal parlance as "state action," is subject to the Constitution.

EXTENDING THE Leonard Law into the workplace, as John Howard proposes, ignores this distinction. I agree that government regulation of the workplace in general and of so-called "harassment" in particular is excessive and unreasonable. The solution, however, is to reform or repeal the government regulation, not to impose on private employers the duty to permit employees to "express themselves" in the workplace.

To put the matter in practical terms, does the Individual Rights Foundation believe that it is (or should be) required to employ people who repudiate the principles IRF stands for? Is *The Defender* required to print any article submitted to it by an employee? (After all, the government cannot "censor" the speech of its citizens!) The truth is that Mr. Howard's proposal is almost certainly more dangerous than the P.C. movement against which it is misguidedly directed. What is happening to the Scouts would become the norm in the private sector. Mr. Howard's position would prohibit a mandatory oath referring to God because such an oath would offend the First Amendment if imposed by the government. The last thing California needs is new laws creating new causes of action that will further intrude into the diminishing private sector, expose California employers to more lawsuits, and make California an even less attractive climate in which to do business.

Rebuttal

John Howard

WHEN THE smoke of Mr. Pulliam's overheated rhetoric is cleared away, it seems he does not like my proposal because he believes that private organizations should be left alone. So do I. I also think everyone should be a millionaire and that everyone should love one another. But they aren't and they don't.

It is well and good to wish the government would stay out of private industry, but it doesn't. The fact that it doesn't has skewed the way business is conducted in this country. It has also resulted in the imposition of rules against speech in the workplace that are not voluntarily imposed by employers. They are imposed by governmental compulsion and they have tipped the balance against free employee speech. It is that balance we are attempting to tip back to where it belongs.

Government is already intruding on private industry. Our point is that as long as it is going to do so it is going to be bound by constitutional constraints. It is well and good for Mr. Pulliam to rail against governmental interference, but that interference is a reality.

For all of his ranting we still have the Southern California Air Quality Management District, Cal-OSHA, the EEOC, and a legion of other agencies interfering all the time.

Mr. Pulliam's solution is simply not realistic. While he is writing oped pieces and fulminating over distinctions between public and private enterprises, the left moves inexorably forward with more restrictions on personal conduct through the ruse of bringing pressure to bear on employers. We offer a solution. Mr Pulliam offers a dream.

Mr. Pulliam asks: "What makes conservatives think that expanding the scope of the judicial forum will lead to better results?" The answer is experience. The Individual Rights Foundation has sued the federal government to prevent it from imposing rules on private institutions that abridge the First Amendment rights of students. And guess what? We won. Without the Leonard Law, we would never have had standing because a college could always wrap it-

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JOHN HOWARD

(Continued from page 23)

That is why I have proposed a new law to provide employees a right of action against employers who make rules limiting their freedom of speech.

The law would give employees a right to sue for a declaration that such rules are invalid and an injunction against their enforcement. It would also provide for the payment of attorneys fees to the prevailing plaintiff. There would be an exception for rules against speech that undermines the business itself, such as speech that criticizes the product made or service provided.

The law would have several results. It would force corporate lawyers (I was one for 16 years) to be less lazy and more skillful in drafting rules for employers. It would also realign the interests of employers and employees, giving them an identity of interests against the government. It would give employers the economic incentive they need to fight government-imposed rules. It would put bureaucrats on notice that they cannot unconstitutionally limit the conduct of American citizens through the ruse of imposing obligations and penalties on private businessmen.

I predict the need for the law will quickly disappear as employees sue the government to prevent the imposition of regulations on their employers that have the result of limiting their freedom of speech. Ultimately, it will provide an alliance between employers and employees against governmental meddling, and federal social planners will have to search for other ways to spend their time.

Freedom of speech is too precious to be surrendered without a knowing and intelligent agreement. It is too precious to allow it to be taken away by the intrusion of government into the marketplace. Our goal should be to get government out of the business of limiting private conduct or intruding on private prerogatives.

Rebuttal

Mark Pulliam

I AGREE WITH John Howard that government regulation of the private sector has become Draconian, that (at least in California) disgruntled employees may sue their employers for all manner of imagined slights, and that the government's prohibition of "harassment" in the workplace — a concept pioneered by feminist wacko Catharine MacKinnon — has prompted many employers to become more strict in the monitoring of employee conduct and the discipline of employee misconduct. I even agree that off-color jokes, good-natured sexual innuendo, and well-intentioned statements and actions that once would be viewed as innocuous now could be construed as "harassment" and create concerns of employer liability.

My disagreement with Mr. Howard is over strategy: How do we fix the problem? If we believe that a particular type of government regulation has become excessive, unreasonable, or obnoxious, we should mobilize to repeal the regulation, not to inflict even more government regulation on beleaguered California employers. The Leonard Law, if extended in the fashion advocated by Mr. Howard, would treat all employees in California as if they were the most pampered of tenured civil servants. Mr. Howard wishes to bestow on all private sector employees — who, under current law, are terminable by their employer for any reason at any time, with or without notice — the full protection of the First Amendment, as embellished by three decades of ACLU creativity.

Employees paid to perform work and to obey rules would be given the right to engage in conduct in the workplace as if they were off-duty private citizens, regardless of their employer's objections. "Take this job and shove it!" would be protected speech. Mr. Howard says people have no chance to talk politics with non-family members except on the job. I disagree. We have private clubs, organizations, computer networks, and bulletin boards, friends, neighbors, and so forth. We can debate politics with co-workers after hours. Why should employers be compelled to subsidize political bull sessions "on the clock"? Employers pay people to work, not to debate.

And let us be clear that the Leonard Law, if extended as Mr. Howard proposes, would protect more than just political debate — say, a lunch hour discussion of *Federalist* No. 10. It would forbid employer interference with any employee conduct or speech the First Amendment protects against governmental restriction — a broad universe including profanity, flag-burning, unpatriotic statements, obscene gestures, demonstrations, leafletting, the solicitation

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HOWARD *Rebuttal*

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self in "privateness" and claim it had the right to impose those rules. We made a difference for private institutions using the Leonard Law that all of Mr. Pulliam's political pressure could never, and has never, achieved.

When a kid goes to college he is never warned that he surrenders his First Amendment rights. He does not knowingly and intelligently waive his right to free expression by enrolling in a private institution. It would be unfair to allow him to be punished when he never agreed to forfeit his right to free speech. By Mr. Pulliam's logic, though, perhaps we should free Jeffrey Dahmer. After all, his victims voluntarily went home with him and his activities took place on private property. The reason we don't free him is that when they agreed to join him in a good time, they had a very different idea of what constituted a "good time." Thus it is with students at private colleges.

Mr. Pulliam seems to want conservatives to be too "principled" to use the courts to protect individual rights through litigation. That has been one of conservatism's traditional problems: it abandons the field to the left, which takes it with alacrity. Conservatives abandoned schools and universities, only to get involved after they became cesspools of radicalism. Conservatives abandoned public broadcasting, and now we have a nationwide network of leftist propaganda. Now Mr. Pulliam wants us to abandon the courts, which are being used every day to abridge our sacred rights. Conservatives must now meet the left on its chosen field of battle and take it back in the name of liberty.

It is disappointing to see a lawyer describe First Amendment jurisprudence as "a joke." I don't think it is a joke and I'll wager that most principled conservatives agree with me. It has serviced us well and kept us free for 200 years. But Mr. Pulliam's characterization does confirm what I suspected all along: in his view the First Amendment must serve his philosophy rather than his philosophy serving the First Amendment. It is those who see their ideologies as paramount who deny free expression to those with whom they disagree. And they are dangerous.

For my part, I am happy to defend people who are victimized no matter who victimizes them. CPR

PULLIAM *Rebuttal*

(Continued from page 25)

of co-workers, and disrespectful conduct toward the employer and fellow employees. In short, everything short of the proverbial shout of "fire" in a crowded movie theater.

For a concrete example: a fireman employed in the public sector (which is similar to what the private sector would become under Mr. Howard's proposal) wanted to read *Playboy* at work despite a rule prohibiting it. (The reason for the rule is irrelevant for present purposes; it may have been inspired by a desire to avoid "harassment" of female firefighters. One can imagine other reasons for the rule.) The fireman sued, as would disgruntled employees in Mr. Howard's scenario, and a federal judge ruled in his favor, proving that no claim is too foolish to be taken seriously in court these days. The fireman has a "right" to read *Playboy* at work over his employer's (the taxpayers') objection. This is an example of the First Amendment being applied in the workplace. Magnify this example a thousand-fold, add the prospect of recovering attorneys fees, and you have an inkling of the consequences Mr. Howard's proposal is certain to produce: chaos, disorder, absurdity. For all his talk of economic incentives for fighting government regulation, the only economic incentives it would create would be added incentives for California employers to head for Arizona, Nevada, and Oregon (and a bonanza for the plaintiff's bar. Imagine the TV spots contingent fee lawyers will inflict upon us.)

IN A free society, individuals who dislike the rules of private institutions can "vote with their feet" or their pocketbooks. Have we become such sheep that we need government's protection against everything? Don't get me wrong. P.C. is a serious problem. Complex problems require thoughtful solutions, not Mr. Howard's bigger problem waiting to happen. California has too many laws, too many lawyers, too many lawsuits, and too many people pursuing petty disputes and seeking attorneys fees. Individual rights are best protected by limited government, not by proponents of individual liberty playing the ACLU's game of seeking to enforce made-up rights through the legislative and judicial branches. CPR

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The Left's Holy War Against Religion in Politics

Extremists Invade Which Party?

K.L. Billingsley

IN RECENT days, fearmongering over the "religious right" has vied with the O.J. Simpson story for media attention. That fearmongering is dangerous nonsense and the response to it has neglected key issues.

As retailed by writers such as the *Wall Street Journal's* squishy sage Al Hunt and such Democrat *samurai* as Bill Clinton, Surgeon General Joycelyn Elders, California Representative Vic Fazio, and political grunt Frank Greer, the story emerges like this: A conspiracy of fanatical, fundamentalist, radical, unintelligent, extreme right-wing, homophobic, racist, sexist, pro-Nazi, hate-mongering Christians are secretly taking over the Republican Party and violating the democratic process. Their ultimate goal is to impose their narrow agenda on the populace, junk the Bill of Rights, and turn America into a theocratic trailer park ruled by Pat Robertson's storm troopers. Anyone who can't see this is deluded and part of the problem, speakers imply.

K.L. Billingsley is a media fellow of the Pacific Research Institute in San Francisco and author of From Mainline to Sideline.

What the Democrats and their echo chambers in the media are doing is nothing new. A political party on an electoral losing streak has good reason to characterize their opponents as nut-cakes. But the case is based on fear and ignorance, not facts. And those who make it are trading in bigotry and violating the canons of civilized society. As Father Richard John Neuhaus, a former colleague of the Reverend Martin Luther King and now editor of *First Things* magazine, has noted, an unwritten rule in America is that we don't criticize other people's religion. Of course, Vic Fazio and Al Hunt deny that they are doing that. Hunt, for instance, calls those he criticizes "un-Christian," implying that he has no complaint against *true* Christians or genuine Christianity, but that these folks are phonies, dishonestly hiding their nefarious ideas behind an honorable religious label.

IT IS a little like the response *National Review* generated in some liberal quarters when it first appeared in the mid-1950s. "America needs a good conservative journal of opinion," went the line, more or less, of the day, "and, having read *National Review,* we say America *still* needs a good conservative journal of opinion." The crux of the complaint, it became apparent upon sifting through the various arguments supporting it, was that Bill Buckley's boisterous, aggressive conservatism included all sorts of ideas the liberals couldn't swallow, particularly the idea that liberalism itself was profoundly misguided. In short, Buckley's conservatism couldn't be "true" conservatism, which was an honorable thing, because it wasn't liberal enough. Just so, to satisfy Fazio, Hunt, and their friends, a good Christian should be

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a good liberal or, at least, not anti-liberal, because, in their minds, nothing good or honorable can possibly be anti-liberal. As Buckley remarked, liberals often talk about hearing other points of view, but are generally shocked to learn that there actually are other points of view.

THE TRUTH is, these anti-"religious right" critics want religious activists to go to the back of the bus and shut up. The Democrats' professed commitment to inclusion, diversity, multiculturalism, and pluralism recognizes just one limit: anything goes, as long as it never opposes *them.* As Neuhaus and others have often noted, if it were not for religious involvement in politics, we would have had no anti-slavery movement and no civil-rights movement. Not surprisingly, liberals had no problem with this sort of unashamedly religious political activism. Its aims seemed to agree with theirs.

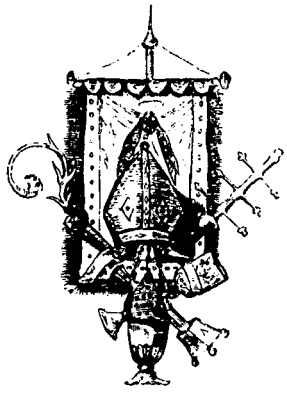
Religious conservatives, by the way, disagree on school choice, free trade, environmental policy, and other issues. In the past they supported both Lyndon Johnson and Jimmy Carter, which Mr. Fazio doubtless found unobjectionable. To qualify for such mindless put-downs as "far" or "extreme" right-wing, one would have to support rule by a monarchy or an authoritarian state church. But as British historian Paul Johnson has pointed out, the true "far right" is vacant on today's political scene, particularly in America. The far left is getting pretty sparse as well.

But currently in America, all anyone need do to be included in the "extreme right," is criticize the Social Security system, call for a balanced budget, urge the elimination of the federal Department of Education, favor an unborn child's right to live, support the traditional family, and be less than worshipful of national health care as articulated by Hillary Rodham Clinton.

Democrats' professed commitment to inclusion, diversity, multiculturalism, and pluralism recognizes just one limit: anything goes, as long as it never opposes them.

Missing from the discussion is the extent to which the Democrat Party has been captive to extremists since their 1968 Chicago convention. McGovernite radicals have held considerable clout since 1972, and the Party suffered because of it. Many mainstream Democrats bolted to support Ronald Reagan.

During the '70s and '80s, Democrat foreign policy mirrored position papers of left-wing activists in the National Council of Churches. During the '80s, Democrat policy on Central America showed strong influence from the now-thoroughly discredited Christic Institute and other left-wing religious organizations. And when will the eager Representative Fazio trace — and decry — the extent to which a fundamentalist pantheism in dozens of fringe groups influences Democrat policy on the environment?



Militant feminists, a tiny fraction of the populace, also wield considerable clout with the Democrats. Republicans allow abortion boosters to speak at their conventions, but the Democrats bar all prolife speakers. Such is the influence of the homosexual lobby on the Democrats that one of Bill Clinton's first acts was to attempt to impose their radical agenda on an unwilling military. So which Party is dominated by extremists, religious and otherwise, and special interests?

There are, of course, religious hate-mongers in America. At present, Louis Farrakhan and his colleague Khalid Muhammad would seem to present a more logical focus for attacks on religious extremism than would advocates of traditional values openly participating in the political process.

THE RELIGIOUS right conspiracy hokum is part tactics, part cover story, and pure bigotry. "This stuff is as ludicrous as the anti-Semitic propaganda in the 'Protocols of the Elders of Zion' and 'The Secret History of Blacks and Jews'" writes Tony Snow of the *Detroit News,* "and it is just as dishonest."

It truly amazes that a major Party has now adopted such tactics. It doesn't get any lower than this. CPR

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THE NEXT GENERATION

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Criticus

A Tale of Two Cities, or Criticus Does Dallas

G. B. Tennyson

AT ONE time the Dallas/Fort Worth airport was the world's largest in land area. But the Saudis have built, or are building, a yet vaster one in Riyadh, the better to funnel the faithful on the Hegira to Mecca, where if they don't watch out they may be trampled or stoned to death by the yet more faithful faithful. But even if the lone and level sands of Riyadh are home to the largest airport in the world, and even if Montreal is also in contention, Dallas/Forth Worth is no slouch when it comes to size. In total area it is larger than the island of Manhattan. And of course much more salubrious.

D/FW, as it is known, is constructed in the form of four vast wings, or horseshoes, as the airport terms them, each holding from 24 to 39 gates. The airport equivalent of mall walkers will drive up and park (there's ample space for it, of course) at one end of a horseshoe in order to walk the length of the air-conditioned, rigorously smoke-free interior, and then return, for a round trip of about three miles. Quite enough to tucker out the greater part of the Glendale Galleria walkers contingent, unless at D/FW they cheat and for the return trip hop onto one of the little trams that cart passengers roving from one gate to another for connecting flights.

D/FW lies between Dallas and Forth Worth, both of which are visible with their topless towers shimmering in the distance, the former to the southeast, the latter to the southwest. It is not necessary, therefore, to go into either city to use the airport. Indeed Criticus last summer used the airport without setting foot in either D or FW. Instead he made his way to the town of Denton, which lies roughly about 40 miles north of D/FW at what Dentonians call the apex of the Golden Triangle. This is a public relations term that seems dearer to Denton than to either D or FW. The only evidence of its existence is a congeries of shops outside Denton that calls itself the Golden Triangle Mall. The anchor stores are Sears, Mervyns, Montgomery Ward, and possibly a Pep Boys.

But Denton does have its charms, even if the chief of them are generally not spoken of by Dentonians. One that is spoken of is the University of North Texas, which is why Criticus was in Denton in the first place, namely to continue work on the Barfield film (which constant readers will recall Criticus discussed in detail in *CPR's* Winter 1994 issue) with collaborators at the film department there. Like so many state-supported universities, this one evolved into its present impressive size and space from a modest state college, North Texas State, which in turn must have been originally a state normal school. The name inflation was an inevitable part of the package, as we have seen with much less justification in so many of the California state universities. According to the Doctrine of Unforeseen Consequences, of course, the name change brought with it a real challenge in determining the call letters of the campus radio station, but I'd best leave that to readers to figure out on their own.

The university itself is a standard mixture of the cupola-topped "Old Main" type of building surrounded by an ever-expanding spread of modernesque non-buildings, but at least these are unobtrusive and in scale with the rest, so they give little offence. Even the inevitable rusting abstract sculptures that pop up along walkways and greenswards are relatively subdued and can usually be ignored. Immediately adjacent to the campus is a raffish student business district with pizzerias and beer parlors, which is the only way to get a drink in Denton, for the town and its county are semi-dry, that is, they do not permit off-license liquor sale.

The college business district is not prepossessing, but it is unself-conscious, with the possible exception of a fraternity called the Delta Lodge. It is hard to tell whether this example of the Animal House mentality is simply unaffectedly what it is, or whether it is a calculated effort to win a prize for being the most scrofulous fraternity house in America. In either case, it is certainly a leading contender, and it is so appalling it is magnificent. Needless to say, the university administration is locked in eternal battle with Delta Lodge, but so far this Grendel has triumphed over the administrative Beowulf. Its secret? Private property. No doubt the university acting through the state will one day find a way around that. Meantime, Delta Lodge in its grotty humor makes up for all the silly sculptures on the campus.

IF THE University of North Texas is in the main one of Denton's fair children, its evil twin is what a few of us who were together filming in England like to call in our snobbery "Denton High Street." This is a stretch of what looks like a highway more than a city street which is lined with one of the largest collections of chain fast food outlets anywhere in the world. Bill Clinton would be in hog heaven. Any chain eatery you can think of is represented, along with a good many you couldn't think of: the Black-Eyed Pea, for example, and Schlotsky's Deli (a branch is coming soon to once-elegant Westwood), and places with names like Catfish Corner. And more, more, plus the inevitable selection of

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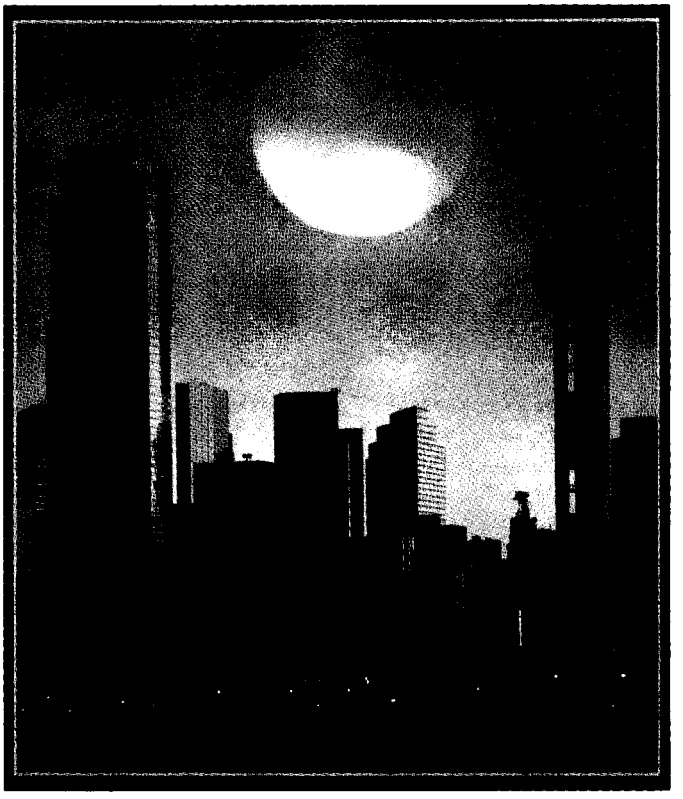
K-Marts and Sam's Clubs. Denton High Street is fast-food/chain-store America in full cry. At least it's in Tornado Alley, so God may yet save it from itself. Pray for it come next MLK Day.

Yet Denton has its redeeming side that is quietly passed over by the *bien pensants* of its academic elite. It is what Denton and hundreds of towns like it all over the south were once all about. It is the town square that encloses a superb Victorian towered county court house, sitting on a rise that dominates the old town. Surrounded by green lawn with benches for old men and walkways for ladies with broad-brimmed hats, the court house boasts as well that other indispensable feature of a southern county seat — the statue of the Confederate soldier. This is a most handsome one, the soldier standing with his rifle base resting on the ground, his hand holding the barrel, and all arbored by a stone arch that reads "To Our Confederate Soldiers." On the base of the statue is engraved a heart-tugging eulogy to the bravery and loyalty of the soldiers of the Confederacy. All placed there, of course, by the United Daughters of the Confederacy, the organization whose symbol — the dreaded Confederate battle flag — caused the Senatrix from Illinois such pain that in sympathy the Congress refused to renew its patent.

HEREWITH A Criticus prediction: once the federal government has banned the display of the flag and any other symbol of the Confederacy — a move that seems highly likely, perhaps by the time of the Atlanta Olympics — the next step will be the removal and destruction of all those statues of Confederate soldiers that grace so many southern town squares. Watch for it. My plan is to spirit away the Denton statue and install it in my garden. (Constant readers will wonder where the Leaden Lenin will figure in all this. Perhaps perched below the backside of Johnny Reb.)



The rest of the town square is of a piece with the statue and the court house. There is a hardware store unchanged these past 70 years, several independent eateries and cafés serving unreconstructed, high cholesterol food, clothing shops with names like Bon Ton, and all of it apparently holding its own against the allure of Denton High Street. Or perhaps it is only doing so for the older generation while the college students lust after the gods of fast food. In any case, it seems to stand for a dignity and, one hopes, a permanence that has been forgotten by modern popular culture.

One would suppose that to move on to Dallas, as Criticus did on his most recent visit, is to move to a world so different as not to be at all comparable to little Denton. Not so. Or only so on the surface. At first Dallas appears to be the antithesis of Denton. Certainly it is rather more than the mere corner base of the triangle of which Denton is the apex, though that conceit so appealed to Criticus that he repeatedly informed bemused Dallasians (my coinage to avoid the uneuphonious Dallasite) of the status of their city *vis-à-vis* the pinnacle of the triangle to the north. The image was too absurd for them to feel affronted by. It's Fort Worth they rival; Denton is not on their map. But in some important ways Dallas and Denton are sisters beneath the skin.

APPROACHING DALLAS from any direction one sees first that cluster of high rise structures that has become an international signal that a metropolis is looming and a reminder of how much harm the example of New York City has done to the world. Dallas at least has tried to vary the usual visual impact of mere rectangular glass boxes by creating more oddly-shaped skyscrapers than I have ever seen yoked together anywhere. They are triangular, pentagonal, hexagonal, heptagonal, multiagonal; they chop portions of themselves off at varying levels or put slits and valleys along their sides; they are shaped like rockets or ejaculating phalluses. One, I remarked as we drove in, even has a hole in the middle of it like a gigantic blunt-tipped bodkin. Before I could expostulate further, my driver, my lovely daughter, informed me that that was the one my exemplary son-in-law works in.

Actually I rather liked Thor's Needle, as I called it. If one must have these tower-block city centers, Dallas's at least offers some variety. To be sure,

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it looks like the work of demented children let loose in Legoland, but better that than *Le Corbusier*. Perhaps by the time Dallas had decided to go high-rise, even modern architects had come to see that the glass box was simply tiresome, so they did what they could to alleviate the boredom of it. Now they have moved on to deconstructionist architecture, which looks as though other severely disturbed children had come into the lunatic Legoland and kicked all the boxes sideways. Of course, no matter how you vary your boxes, you have still created a soulless city center, impersonal by day, deserted by night. Indeed, you have created the big city equivalent of Denton High Street.

Approaching Dallas one sees first that cluster of high rise structures that has become an international signal that a metropolis is looming and a reminder of how much harm the example of New York City has done to the world.

THE REAL Dallas, like the real Denton, lies in its residential areas, the finest of which are surprisingly close to downtown. To be sure, there are many burgeoning suburbs freeway miles away, but the close-in areas are the ones with charm. And they are not southwestern in style at all, as many wrongly assume Dallas to be. These gracious sections are strung along Turtle Creek, and they range from pleasant to extremely grand. All lie in the umbrageous embrace of massive old trees, magnolias and live oaks, so the ambiance of the Park Cities, as they are known, is, like that of town square Denton, the ambiance of the old south. I will not enumerate all the parallels, but the point is clear: stray off the late twentieth-century High Streets of America and you may still find signs of a kinder, gentler land.

Turtle Creek winds its way to downtown Dallas and to the luxury hotel named after it. Grand though that hostelry is, it is less interesting than a massive equestrian statue that one passes before reaching the hotel and the city. It depicts General Robert E. Lee astride Traveller, crafted in what appears to be bronze, and brightly polished too. This is a sculpture in the heroic mode — the rippling horseflesh school of design — but made somewhat less threatening by seeming to emerge from the greenery that surrounds it, as though the General were charging out of the woods. Even so, it remains less affecting than the simpler granite statue in Denton. But it says something similar. And where will it end up, one wonders, when the decree goes out? If there is still private property at that point, perhaps the Delta Lodge will give it a home in the front yard.

It being my first visit to Dallas, it was inescapable that I should visit Dealey Plaza. So it came about that on the Sunday following the passing of Jackie Onassis, who had in death somehow become Jackie Kennedy all over again, thus spurring renewed interest in the assassination site, we paid a quick visit to Dealey Plaza. It was smaller than I had expected. But more interesting. Despite all the visitors with cameras scrambling over the grassy knoll and through the Sixth Floor, which is the official name of the museum of the assassination in the former Texas Book Depository, and hence the difficulty in quite recapturing the scene, Criticus did satisfy himself regarding one aspect of the famed event. A single gunman could indeed have fired the bullets successfully.

Criticus reached this conclusion somewhat reluctantly. For one thing, he has no desire to support any decision reached by Earl Warren. For another, he loves complications and convolutions, and the lone gunman theory reduces those, though it does not in itself reduce the possibility of a conspiracy. But Criticus does speak here as the holder of the same military Sharpshooter medal that Oswald held, an achievement derided by the anti-Oswaldians because, of course, there is a higher one, namely Expert, which neither Criticus nor Oswald ever attained. But above all Criticus speaks as one who even in his superannuation managed two years ago in Gloucestershire to score a double at random clay pigeon shooting practice on the day before the opening of grouse season. A double, in case you didn't know, is when, as the clays fly up in rapid sequence, the shooter bags both in successive shots. And this after not having discharged any sort of firearm for a generation. Luck? I scored several other times the same day, though not again a double. If Criticus could do that, Oswald could surely do better, ballistically speaking. After all, he knew where the motorcade was coming from and where it was headed.

FOR MY part, having solved the mystery of the lone gunman and found the Denton beneath the Dallas, it was time to go back to the world's second largest airport. As I strolled its vast expanse I also found time to solve the mystery of Jackie Bouvier Kennedy Onassis, but I'll save that for another day, lest too many insights bring on intellectual indigestion. Besides, *nil nisi bonum* is a good motto when the sod is still fresh on the grave, even if

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the grave does lie on land stolen from General Lee.

How glorious that statue would look there!

BOOKS

The Index of Leading Environmental Indicators, by Steven Hayward with Job Nelson and Sam Thernstrom. Pacific Research Institute, San Francisco, 1994, 47 pages, $9, paper.

Reviewed by Peter Hannaford

POLLUTION AND other environmental problems will get significantly worse during your lifetime, right? Threats to the environment really are as serious as the environmentalists claim, right? There is too little government regulation and involvement in environmental protection, right?

Wrong.

In a nationwide Wirthlin poll last summer, 75, 54, and 52 percent of the respondents, respectively, agreed with the above statements. The facts are going in the other direction, however, according to Steven Hayward and his colleagues at the San Francisco-based Pacific Research Institute. These think-tankers have just compiled and released "The Index of Leading Environmental Indicators" showing that "There has been significant improvement in many areas of the environment since the first Earth Day in 1970."

Why is public opinion so at variance with the facts? Perception always lags behind changes in reality, for one thing. For another, the news media, with their imperative for focusing on drama, lavish coverage on mishaps such as the Exxon Valdez oil spill, but give environmental good news — which is incremental and undramatic — little or no coverage. And, according to the PRI *Index,* both politicians and environmental organizations have "a strong self-interest in hyping bad news about the environment." The politicians have a self-interest because professed concern played out to voters whose perceptions about the environment lag behind the reality of improvements means votes. The environmental organizations are self-interested because their livelihoods depend upon keeping this particular pot boiling. Add to this the environmental entrepreneurs, such as pop scientist Carl Sagan (who predicted "nuclear winter" and sharp degradation of U.S. air from the Kuwait oil fires set during Desert Storm), and you have a complete Chicken Little industry, telling us in unison that the sky is indeed falling.

Just what are the "Leading Environmental Indicators"? Take air quality. According to PRI's analysis, sulflur dioxide emissions have declined by more than a quarter since 1970, chiefly because power plants (which generate most of these) are using scrubbers, have increased their efficiency, or have converted to natural gas.

The story is more dramatic when it comes to lead emissions. These have been reduced by 97 percent since 1970, largely through the switch to unleaded gasoline and elimitiation of lead in paints and coatings. Carbon monoxide, caused by incomplete burning of a fuel, has declined from 12 parts per million in 1970, to less than eight in 1991, the latest year for which statistics are available.

Volatile Organic Compounds (VOCs) — unburned hydrocarbons that contribute to urban ozone smog — have been cut by a third since 1970; however, ambient (naturally-occurring) ozone concentrations nationwide have declined by a much smaller amount. Some cities have experienced dramatic drops in the number of days exceeding the ozone standard. New York has gone from a high of 140 a year in 1984 to 10 in 1992; Seattle, from 41 in 1981 to nearly none in 1992; Denver, from 70 in 1984 to less than 10 in 1992. Los Angeles lags behind: with a high of nearly 250 in 1988, down to 180 in 1992. To establish an indicator of pesticide danger to wildlife, PRI analysts looked at DDE, PCB, and HCB levels in herring gull eggs in Lake Ontario. From 1974 to 1991, PCB declined from 160 parts per million to 20; DDE from 23 to four; and HCB from 0.8 (1977) to nearly zero in 1991. PCB and lead levels in freshwater fish show the same steady, marked declines.

Some environmentalists deplore the depletion of the nation's forest. Are we cutting down trees faster than we're growing them? Not according to the PRI analysis. Total forest growth went from approximately 14 billion cubic feet in 1952 to approximately 23 billion in 1986. Total removal of timber went from approximately 12 billion in 1952 to approximately 16 in 1986. The ratio of growth over removal has actually grown. As for municipal solid waste, while landfills have been disappearing, we have been recycling more and more material. In 1960, a little more than 6 percent of solid waste was recovered; in 1990 it was 17 percent, and still climbing.

THE ENVIRONMENTAL Protection Agency, in one of its own reports recently, said, "EPA's budget and staff resources are not allocated on the basis of risk. Consequently, more than 80 percent of EPA's resources are spent on

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pollutants considered to be relatively low risk by federal scientists." A remarkable admission. With *The Index of Leading Environmental Indicators* in hand, perhaps some of our more farsighted elected representatives will give the EPA a dose of reality.

'Gender' Feminists

Who Stole Feminism: How Women have Betrayed Women, by Christina Hoff Sommers, Simon & Schuster, New York, 1994, 320 pages, $23, cloth.

Reviewed by Barbara C. Lydick

WHEN ABE Lincoln observed that a lie can make it half way around the world before truth can get her boots on, he assuredly could not have envisioned technology's boost to his predicted speed. If we add saturation to current speed, given the multitudinous print and visual outlets, a "fact" (or a "study") can today not only quickly become part of the conventional wisdom but can become the basis for a code, a regulation, a mandate, or a law — all before it is unmasked as a lie. Examples abound in areas such as the environment, health-related issues, gun control, and commercial nuclear power.

On the subject of women, such dishonest facts and studies are addressed in Dr. Christina Hoff Sommers' *Who Stole Feminism.* As associate professor of philosophy at Clark University, she has written extensively about ethics and contemporary morality. Her new book concerns today's campaign of misinformation designed to "prove" that women are not free, that we are, as she puts it, the "victims of a patriarchy that works to keep us cowering and submissive." Those holding this view she terms "gender feminists" — the chronically-offended who define women's oppression as the devaluation and repression of women's experiences by a masculinist culture that, they contend, exalts violence (the norm for men as they see it) and individualism. In contrast to these gender feminists, Sommers posits what she calls equity feminists: those who ask for fair treatment without discrimination; a level playing field with no favors. By far the majority of women, Sommers' equity feminists follow in the footsteps of those who founded the classical feminist movement 150 years ago.

This book is a valuable addition to a growing body of work by a brave few criticizing the genderists' fiercely ideological brand of feminism. I say brave because the gender feminists do not relish criticism, nay, they do not permit it. Within the academy, "to criticize without tenure is reckless in the extreme." Those who find fault publicly find their prospects for jobs or advancement dramatically diminished, as Sommers demonstrates with enlightening examples.

She meticulously debunks, one after another, the backbone "proofs" gender feminists offer to support their portrayal of women as victims. Several bear notice: By the time girls reach high school, their "self-esteem falls 31 points"; "More than 50 percent of all women will experience some form of violence from their spouses during marriage"; "In this country alone ... 150,000 females die of anorexia each year"; "One in four women will be the victims of rape or attempted rape." Not one of these statements is even remotely accurate (the figure cited for anorexia, for example, is overstated by a factor of 1,000.) The book kicks the foundations out from under these theories and paves the way for a much-needed public debate on such subjects as, for instance: special legislation for women (gender bias laws); school curriculum (grade school to graduate school); new layers of bureaucracy within the Department of Education (to deal solely with women's issues).

An interesting portion of Sommers' book recounts her two years of detective work, meticulously tracking down the sources of gender feminists' claims and the "studies" used to substantiate them. Analyzing their methods, data, and conclusions, she found their work shoddy and unscientific: "studies" structured to provide predetermined outcomes, data included or ignored strictly depending upon its usefulness in substantiating their positions.

Such bogus studies have proved useful to the cause because high numbers get reported by an uncritical (and willing?) media, and serve to assure their authors a place in the feminist literature and textbooks. But these advocacy numbers (the indelicate among us call them bald-faced lies) trivialize the real problems some women face, for even the best-intentioned lie ultimately discredits the finest of causes.

More than shoddy scholarship is going on here, however, as Sommers tells us. Gender feminists see their role as nothing short of transforming society into one which is "gynocentered," on the grounds that the women's point of view is far superior to anything male. They argue that all commonly-accepted "knowledge" — the culture, science, logic — is a male creation and therefore dangerous to women. For this reason, the entire knowledge base must be transformed. (Lest readers think this is an exaggeration, I urge you to obtain a copy of the June 4, 1994, issue of the *Wall Street Journal* for an article, front page, on Peggy McIntosh, one of the chief architects of this thinking. McIntosh, for example, at a time when educational excellence is a national catch phrase, warns that "excellence can be a dangerous concept.")

ONE WOULD think gender feminists' extremist thinking would long ago have relegated them to the theater of the absurd were it not that these

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"transformationists" are richly supported by several foundations, most notably the Ford Foundation (where Hank the Deuce is reported to have sadly said he no longer had any influence against this madness and then resigned his position on the Board). Moreover, these women are in key positions in NOW, the Ms Foundation, the Fund for the Feminist Majority, The National Council for Research on Women, and the (once prestigious) American Association for University Women (AAWU). And these are the groups portrayed as officially representing women when the media and even Congress go looking for "valuable information."

They hold sway over state-level departments of education and school boards in several states, influencing curriculum revision. California's Department of Education Code, for example, requires "gender equity" in all things historical, making equal representation more important than historical fact. Gender feminists have proven adept at securing key administrative positions and gaining control of bureaucracies at many colleges and universities, which means that large amounts of tax dollars, in addition to the millions from foundations, are being put to use serving their agendas.

At the federal level, a $360 million Gender Equity in Education bill has already passed the House and another is presently on the floor of the Senate. Both versions were based on the findings in a grossly-flawed self-esteem study performed under the aegis of the AAUW. Among other things, this legislation would create a Special Assistant to the Secretary [of Education] for Gender Equity (a bureau of Gender Wardens?). This is a gender feminist's dream — a golden opportunity to increase their influence through textbook revisions, new gender-based programs (that will only serve to exacerbate the problem of our nation's children falling further behind in math, science, history, geography, etc.), and a chance for more experiments in transforming the knowledge base.

Kudos to Dr. Sommers for providing us an excellent resource book to begin the public debate, as begin it must. For anyone with children, for anyone who might be affected by gender-bias law — well, that must include just about everyone — this book must be on their reading list. Period. CPR

Popular Culture

The Incredible Shrinking Movie Screen

The Assault of Cinematic Recycling

T. R. O'Neill-Lopez

"ALL THE world's a stage," said the Bard, an exciting prospect for the modern dramatist with cameras, studios, and money at his disposal. But for modern filmmakers the stage is shrinking. That is why the movies don't live up to their potential, why they cheat and deceive the populace, and why the situation is sure to get worse.

Hollywood is not an artistic colony but a business community whose most creative people are not writers and directors but lawyers, agents, and accountants. A movie is a filmed deal which results not from artistic vision but power relationships — "leverage," in industry argot. Whatever makes money will be imitated. That is the primary rule of the business, based on the assumption that all men's dreams are created equal. Given these ground rules, it amazes that anything good gets done at all.

But at one time, good did get done, in fair-sized doses. Once filmmakers mined the rich resources of literature and stage: everything from the Bible to *A Tale of Two Cities* and *Moby Dick* on through *A Streetcar Named Desire, Brideshead Revisited, The Trip to Bountiful,* and *Manon of the Spring.* In many cases, a collaborative medium successfully translated the artistic vision of one man to the big screen, not that every such effort invariably succeeded. Notable failures include Evelyn Waugh's *The Loved One,* perhaps the best book ever written about Hollywood, and Malcolm Lowry's *Under the Volcano,* which Octavio Paz described as the best book ever written about Mexico by a foreigner. In these cases, Hollywood proved unable to translate the quality of the originals onto the screen, but at least the effort was made.

FILMMAKERS STILL go after books, but now prefer blockbuster

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best-sellers more often than works of genuine artistic merit. Authors know this and have adjusted their craft accordingly. The books of Michael Crichton (*Jurassic Park*) have been described as "camera-ready copy" — tailor-made for some Major Director or Big Star to pick up and carry away. And anything by Scott Turow (*Presumed Innocent*) will be sold to the films before the galley stage.

Desperate to find sure-fire money-makers, film impresarios some time ago began routinely bypassing opportunities to re-create good books on screen. That, after all, could be both risky business and hard work. Instead, they would simply remake other films. And not just old films, which would be lazy enough. The recent *Point of No Return* with Brigitte Fonda (another "star" who made it on her own) was a shameless, scene-by-scene rip-off of the recent *La Femme Nikita.* The most recent trend, however, indicates that Hollywood is finding even this level of effort too demanding. Now filmmakers bypass even other movies in favor of comic books ("Dick Tracy," "Batman") and, worse, television.

AND EVEN in TV's vast swamp, the cinematic carp are feeding at the bottom. Veterans of the '60s will remember "Car 54 Where Are You?" as an attempted comedy of particular stupidity even by TV standards. But last year "Car 54" made it to the big screen, perhaps in an attempt to lure sedentary baby-boomers who enjoyed the equally inane *Police Academy* series. TV's "The Beverly Hillbillies," hugely popular in Britain, exhibited an intelligence-level somewhere between plant life and postal bureaucrats, so naturally it, too, has found movie reincarnation.

These films are part of a virtual flood of big-screen TV resurrections including: *The Adams Family, Dennis the Menace,* and *The Coneheads,* which brought back one of "Saturday Night Live"'s weakest sketches.

For all this, there has been at least one good remake. *The Fugitive,* with Harrison Ford, proved an engaging thriller, based on the David Janssen TV series. (By the way, they didn't have to stage that spectacular train wreck. They just set up a camera beside Amtrack.) But *The Fugitive* is exceptional. Far more in the mainstream is the release of *The Flintstones,* which was preceded by a relentless assault of "Yabba-dabba-doo" — just the ticket for those who, thanks to both public education and popular culture, experienced negative mental growth from 1964 to 1994. Since this one made tons of money, we'll be seeing more TV fare. Witness *Maverick,* in which James Garner yields his previous starring role to box-office biggy Mel Gibson.

Bear in mind that there are some advantages here. Since the material comes from old network television, it is unlikely to deal with homosexual prostitutes or serial killers who skin their victims. But that doesn't stop writers from updating the fare with Political Correctness.

Three causes encourage this trend of cinematic recycling. First, those inclined to tackle fresh ideas tend to stay out of the business. As noted in this column in the past, should any conservatives get into the game, they would hold a monopoly on those stories the Hollyleft won't touch, such as Desert Storm.

Second, with few exceptions, critics have become part of the studio's publicity machine. However loathsome the fare, they rarely hesitate to describe the performance of some demented junky as "brilliant."

THIRD, GOOD movies require good audiences and here America has a problem. Those unenlightened by such journals as *California Political Review, Heterodoxy, Commentary,* or *The American Spectator* remain captive to the smelly orthodoxies of our time: novelty is originality, change means progress, religion is dangerous, Sam Donaldson is a good journalist, PBS is "quality television," the *New York Times* is a great newspaper, the United Nations promotes peace, the government helps us, and so on. Producers know that a populace spoon-fed such nostrums that votes for a goober like Bill Clinton — a Washington version of the Beverly Hillbillies — will also cough up big bucks to see tarted up TV drek. That is why more is surely on the way. Coming soon to a theater near you: *Married With Children, LA Law,* and *Cheers.*

You read it here first. CPR

Correspondence

(Continued from page 5)

Many of them learned Spanish at home or attended school in their native country through — maybe — first or second grade. They have absolutely no academic training to prepare them for teaching in Spanish. Not one of the teachers I talked to could give me simple grammar rules on accents, or conjugation! They cannot write a good paragraph. How can they teach Spanish composition?

Our educational system would not employ a high school drop-out to teach English literature and composition just because he could speak and read the language, but that is just the sort of thing that is being done in California's "bilingual" education system regularly. Talk about a second-class education.

Until I finish my *own* education, I cannot go "public" with what I have shared in this letter. I hope these students' parents will demand that the schools do a better job. One parent in Arizona has already sued the district because their son did not learn English while a student there. This is the sort of grass-roots effort we should promote.

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